

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

December 12, 2003

The Idaho Transportation Board met at 8:30 AM, on Friday, December 12, 2003, at the Idaho Transportation Department, Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Dave Ekern, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Chairman Winder welcomed Senator Cecil Ingram to the meeting.

November 20-21, 2003 Board Minutes. Member McClure made a motion to approve the minutes of the regular Board meeting held on November 20-21, 2003 as submitted. Member Blick seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

January 21-22, 2004 – Boise

February 25-26, 2004 – Boise

March 22-23, 2004 – Boise

Consent Calendar. Member Sweeney made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-60 approves the revisions to Board Policy B-06-13, Department Facilities and Equipment; revisions to Board Policy B-19-08, Local Bridge Inspection Funds; and speed minute entry changes, SH-57, District 1; and has received and reviewed the contract award information, new and supplemental professional agreements report, outdoor advertising sign status report, quarterly report on legal actions and contract claims, quarterly returned check report, and October financial statement analysis.

1) Revisions to Board Policy B-06-13, Department Facilities and Equipment. This policy was revised to implement changes due to heightened security measures. The conference rooms at the Headquarters campus will no longer be available to outside entities for use. However, the auditorium and the Districts' and Aeronautics' conference rooms will still be made available to outside entities for rental. Priority for ITD work-related activities and the criteria for affiliation with transportation interests have not changed.

2) Revisions to Board Policy B-19-08, Local Bridge Inspection Funds. This policy was reviewed for relevancy and to ensure it is up-to-date. No substantive changes were made to the Board Policy. The corresponding Administrative Policy is being revised to specify the type of report the Financial Services Section and the Bridge Section shall perform each year to analyze the referenced funds, and then report to the Director.

3) Speed Minute Entry Changes, SH-57, District 1. District 1 conducted an Engineering and Traffic Investigation on SH-57 from milepost (MP) 0.0 to MP 37.23. The recommendation, based on speed study recommendations, road conditions, and a safety

evaluation, is to raise the speed limit from 55 miles per hour (MPH) to 60 MPH from MP 28.8 to 37.23.

- 4) Contract Award Information. Key #8049 – Mink Creek Road, Phase 2 and 3, District
5. Low bidder: H-K Contractors, Inc. - \$888,889.

Key #8085 – SH-67, Mountain Home Air Force Base Entrance to Junction SH-51, District 3. Low bidder: Western Construction, Inc. - \$2,698,114.

The low bids on key #7788, SH-55, Snake River Bridge, Marsing, District 3 and key #8603, Pine Road Gabion Wall Repair, District 3, were more than ten percent over the engineer's estimate and were rejected.

5) New and Supplemental Professional Agreements Report. From November 1 through November 21, the Consultant Administration Unit processed \$837,260 in professional, supplemental, and term agreements.

6) Outdoor Advertising Sign Status Report. As of September 30, 2003, 100 illegal and 132 non-conforming signs remain throughout the state. This compares with 88 and 135, respectively, from September 30, 2002. It was noted that 20 of the illegal and non-conforming signs are located on Indian reservations where ITD has no jurisdiction.

7) Quarterly Report on Legal Actions and Contract Claims. A summary of legal cases resolved by the Legal Section between September 1 and December 1, a status of current legal cases, and a report on contract claims were presented.

8) Quarterly Returned Check Report. During the first quarter of FY04, \$9,454,810 in checks were received. The returned checks amounted to \$19,285, or .20%. The collection of returned checks equaled \$24,078 for an annualized collection rate of 92.1%.

9) October Financial Statement Analysis. Total federal aid revenue from FHWA was \$1.2 million or 1.2% below projections through October. Revenue from the Highway Distribution Account (HDA) was \$985,000 or 1.7% ahead of the forecast. The revenue sources making up the majority of the dollar variance were truck registration and special fuels. Personnel expenditures were less than budgeted through the month. Operating expenses were more than budgeted and capital equipment showed a negative variance of 1100%. Both of these are due to timing issues. In Contract Construction, the federal program is behind spending projections by 23% and the state program is 43% less than projected.

Aviation fuel tax revenue through the end of October was 5.6% or \$32,300 below projections. Miscellaneous revenue was 8.8%, or \$2,800, more than forecasted. Overall expenditures were ahead of last year due to increased federal grant funds in the Trustee and Benefit category. The Aircraft Operations Fund received \$32,700, which is a positive variance to forecast year to date of 30%; however, this is due to outstanding receivables being booked and the trend is not expected to continue. Expenditures are less than projected.

Board Items. Vice Chairman Combo, and Members Blick and Sweeney reported on their Districts' recent legislative meetings. Overall, the meetings appeared to be beneficial and educational for the legislators in attendance. Some of the topics of discussion included reauthorization, specific projects in their respective Districts, 129,000 pound weight limit for trucks, and staffing issues such as employee retention.

The Governor asked ITD and the Department of Commerce to review the state's border signs welcoming people to Idaho, according to Chairman Winder. Director Ekern will coordinate those efforts.

US-95, Bellgrove to Mica, Key #2815, District 1: Mica Bay Sediment Impact Assessment. Dick Jacobsen, consultant with CH2M Hill, thanked the Board for the opportunity to brief it on the recently-released Mica Bay Sediment Impact Assessment. He stated that it is not the final report. The final report is scheduled for completion at the end of next month.

Steve Miller, CH2M Hill consultant, summarized the report's findings, which included a historical review of activity in and impacts to Mica Bay and on potential impacts of

project-related sediment and turbidity. The overall conclusion was that the US-95 project, Bellgrove to Mica, has not had a significant adverse impact to the bay. There were some increases in turbidity in the water column in Mica Bay that were partly influenced by the highway project, however, those events were generally short-lived and likely did not cause significant adverse effects. The dominant source of fine sediments are agriculture and logging soils. Overall, Mr. Miller said the project does not appear to have deposited significant quantities of sediment to the delta area.

Chairman Winder thanked Messrs. Jacobson and Miller for the presentation and for their efforts to address the sediment concerns in Mica Bay.

Budget, Policy, and Intergovernmental Relations (BPIR) Items. BPIR Manager Julie Pipal outlined several changes that have been made to the proposed FY05 budget since Board approval. She mentioned that the revenue to the State Highway Account in November met the month's forecast. The Department's presentations to the Senate Transportation Committee have been finalized with Senator Ingram, but coordination on the House Transportation Committee's presentations is continuing with Representative JoAn Wood. In conclusion, BPIRM Pipal stated that she called members of the Germane Committee and Joint Finance and Appropriations Committee to inform them of the merit program proposal on the Board's agenda today.

Chairman Winder thanked BPIRM Pipal for the report and for her efforts.

Project Budgeting under Board Policy B-11-02, Highway Development Program. Dave Amick, Highway Programming Manager (HPM), summarized B-11-02, Highway Development Program, focusing on the budget process from the beginning of a project through the financial closeout. The existing policy stresses delivering projects on time and on budget, provides full utilization of funds for roads, maximizes the Districts' flexibility, and emphasizes a statewide program. He said the challenges include reluctance by the Districts to release funds for non-priority projects, minimal District initiative to keep projects under contract fully budgeted, last-quarter delivery of projects defeats the fiscal policy, and cost increases affect program performance.

Claims Review Board's (CRB) Recommended Decision – Safety Corporation – District 4 Bridge Repair, Key #8108. DAG Bywater summarized the claim filed by Safety Corporation, Inc. through Concrete Placing Company, for \$10,886 for Traffic Control

Maintenance and Drums. The claim was elevated to a CRB, Donald Hilton, for resolution. The CRB's findings and recommendations are that both parties were mistaken in their positions, but that ITD was the least incorrect. These findings and recommendations were presented to the Board for its review and a final order. DAG Bywater added that the Department has not received Safety Corporation's response to the DRB's recommendation.

Vice Chairman Combo made a motion to approve the Final Decision on the Safety Corporation claim on the District 4 Bridge Repair project, as shown as Exhibit 283, which is made a part hereof with like effect. Member Miller seconded the motion.

Member McClure asked if the claims process could be expedited. He noted that this claim was submitted to the Board in October 2002. DAG Bywater concurred that this claim took too long to resolve. Part of the problem was the contractor's delay in responding to ITD; however, staff did not make timely contact to follow-up with the contractor to help expedite the process. Overall, DAG Bywater believes the CRB and Dispute Review Board (DRB) process has improved the timelines on claims.

Assistant Chief Engineer – Operations Greg Laragan concurred that the timeframe to process claims has improved with the CRB and DRB. He said the claim from Safety Corporation was submitted during this transition period. If staff does not hear from contractors on claims in a timely manner, staff contacts the claimant to help expedite the process.

The motion passed unanimously.

Public Transportation Policy. Public Transportation Administrator (PTA) Larry Falkner provided an overview on existing authority regarding public transportation policy, such as Idaho Code and Board Policy. Because it has been several years since public transportation stakeholders have discussed the future direction the state should seek in the public transportation arena and on policy, PTA Falkner suggested that ITD develop a strategy to meet the coming needs of the state with stakeholder participation before a final policy is developed.

Public Transportation Advisory Council Vice Chairman General James Brooks believes it is imperative for the Department to do due diligence and ensure the earlier work completed in the public transportation arena and the direction the state should seek are still valid.

Member Miller encouraged better publication or advertisement of the schedules and services that public transportation providers offer. General Brooks concurred with the need for better public awareness of those services and schedules and said that will be considered.

Vice Chairman Combo asked for clarification on the next step. PTA Falkner responded that the Department would convene the stakeholders to develop the future direction of the public transportation program in the state.

Member Blick made a motion, seconded by Member McHugh, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Legislature included a statement of the state policy on

ITB03-61 public transportation in Title 40, Section 2102, Idaho Code, which speaks to many aspects of public transportation in the state; and

WHEREAS, the Idaho Transportation Board has also adopted Board Policy B-28-01, which provides direction on the role of the Transportation Department in public transportation; and

WHEREAS, Governor Kempthorne has provided direction on the use of funds in the Urbanized Program to maximize the use of funds; and

WHEREAS, reauthorization may bring new programs, funding, and policy changes on the federal programs managed by the Division of Public Transportation; and

WHEREAS, stakeholders have not been consulted recently on the future direction of the federal public transportation program.

NOW THEREFORE BE IT RESOLVED, that the Board directs the Department to develop a strategy and process to meet with stakeholders to gather input and develop the future direction of the public transportation program within the policy guidelines for the various federal and state programs the Department administers.

The motion passed 5-1 with Vice Chairman Combo dissenting.

Chairman Winder welcomed Senator Shawn Keough to the meeting.

National Institute for Advanced Transportation Technologies (NIATT) Legislative Report Briefing. Motor Vehicle Administrator Morris Detmar said that when the legislature replaced the use fee or mileage base tax with a registration fee system, it requested annual reports on the revenue stream to the HDA from 2001 through 2004. To assist the Department with this reporting requirement, the University of Idaho, through NIATT, was hired as an independent consultant to complete a study comparing the old weight distance/use fee registration system with the new registration system, and to report its final findings to the 2004 legislature.

Dr. Eric Jessup thanked the Board for the opportunity to present the preliminary findings and provided background information on the American Trucking Association lawsuit, which resulted in the referenced change. Selected findings indicate that the proportion of revenue paid by Idaho-based carriers has increased, revenue to the HDA has decreased, the number of Idaho-based vehicles has decreased, the new system resulted in inequity between mileage categories and also within mileage categories, and the foreign International Registration Program carriers may be receiving favored treatment under the new system. Dr. Jessup emphasized that additional issues need to be considered. More data needs to be collected and analyzed, including the temporary permit usage.

Chairman Winder thanked Dr. Jessup for the presentation and his efforts in preparing this report.

Meeting with the Motor Carrier Advisory Committee (MCAC). The Board held an informal luncheon with the MCAC.

Dolores Macias with the Federal Motor Carrier Safety Administration (FMCSA) provided an overview on the FMCSA's responsibilities, which are to regulate interstate trucking, and the assistance it provides to carriers. She is working on organizing a group to focus on crash data, to determine the causes and impacts of crashes, and would like to increase seatbelt usage.

Some discussion followed on truck parking and the need to make more parking available. In response to a question on funding for truck parking, Ms. Macias said she will look into that. She indicated a lot of federal funds are available for various activities, but a lot of states don't know that these funds exist.

United States Forest Service Decision on Backcountry Airstrips. Aeronautics Administrator (AA) Bob Martin summarized the U.S. Forest Service's action on the Frank Church – River of No Return Wilderness Management Plan, impacting four airstrips. The Forest Service signed the Record of Decision on November 20, classifying the four airstrips for emergency use only, which is defined as no planned flights to these airstrips. AA Martin said this action has the same effect as a closure. These airstrips will become unusable for all aircraft. He stressed that this will negatively impact people who cannot access these areas by hiking or horseback, such as people who are affected by handicaps, age, physical inability, or time constraints, as well as the recreation and tourism industry.

Vice Chairman Combo commented on a recent *Rudder Fludder* article, a quarterly publication prepared by the Division of Aeronautics, elaborating on this issue. He suggested AA Martin review the Central Idaho Wilderness Act of 1980 to determine if its background or intent may be helpful in addressing the Forest Service's decision. In response to Member McClure's question on which airstrips are impacted, AA Martin replied Dewy Moore, Mile-Hi, Simonds, and Vines.

Member McHugh made a motion, seconded by Member Sweeney, and passed unanimously, to approve the following resolution:

WHEREAS, backcountry airstrips serve as an important economic asset to the

state's recreation and tourism industry; and

WHEREAS, aircraft are vehicles often used to provide access to the Idaho Wilderness; and

WHEREAS, numerous backcountry airstrips are located on National Forest lands; and

WHEREAS, the U.S. Forest Service has made a decision to maintain four of these airstrips for "emergency use only", which will preclude planned flights into these airstrips; and

WHEREAS, this action will have a negative impact on wilderness access to certain groups of people and a negative financial impact on both Idaho's recreation and tourism industry and certain Idaho air charter operators.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Department Division of Aeronautics is directed to investigate all options to reverse the U.S. Forest Service decision.

AA Martin proposed conducting a backcountry airstrip conference next year to obtain comments from interested parties and develop a statewide strategic plan and vision for the management, improvement, and use of Idaho's backcountry airstrip system. He mentioned the interest in backcountry airstrips, as evident by the legislature's Backcountry Airstrip Memorial issued last session and the increased use of the airstrips by the general aviation community, commercial air operators, and outfitters. He believes a conference would be instrumental in addressing the concerns over the management and future of the state's backcountry airstrips.

Member McHugh made a motion to reconsider the previously-approved resolution. Member Sweeney seconded the motion and it passed unopposed.

Vice Chairman Combo made a motion, seconded by Member McHugh, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, backcountry airstrips serve as an important economic asset to
the
ITB03-62 state's recreation and tourism industry; and

WHEREAS, aircraft are vehicles often used to provide access to the Idaho Wilderness; and

WHEREAS, numerous backcountry airstrips are located on National Forest lands; and

WHEREAS, the U.S. Forest Service has made a decision to maintain four of these airstrips for "emergency use only", which will preclude planned flights into these airstrips; and

WHEREAS, this action will have a negative impact on wilderness access to certain groups of people and a negative financial impact on both Idaho's recreation and tourism industry and certain Idaho air charter operators.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Department is directed to investigate all options to reverse the U.S. Forest Service decision; and

BE IT FURTHER RESOLVED, that the ITD is requested to conduct a backcountry airstrip conference during 2004 for the purpose of developing a statewide strategic plan to define the future vision for and management of, use, improvement, and maintenance of the backcountry airstrip system in Idaho.

Compensation Plan. Administrative Services Division Administrator (ASDA) Susan Simmons presented a compensation plan for classified employees for FY04. After reviewing the budget, staff believes the Department can afford a modest permanent merit increase, up to \$2 million, for its employees. The goals are to recognize the work and value of classified and permanent temporary employees by providing compensation increases based on merit and to move employees who are below the market rate closer to the policy point.

ASDA Simmons said that employees have been asked to do more with less. Employees have increased their workload by delivering a 62% larger highway construction program under TEA-21, maintaining more than 250 additional lane miles of highway, and providing an expanded range of services. State employees' wages currently lag behind labor market averages by 14.6%, while some positions, like engineering and information technology, are about 20% behind. ITD employees are leaving the state force to work for local entities because the local governments can pay higher wages. She also emphasized the proposed plan is within the guidelines provided by the Governor's Office and Idaho Code.

Member McHugh made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department employees have become more

ITB03-63 productive by saving the Department \$4.2 million in one-time savings and \$1.6 million in on-going savings by implementing 64 efficiency measures; and

WHEREAS, employees have accepted an increased workload by:

- delivering a 62% larger highway construction program under the Transportation Equity Act for the 21st Century;

- maintaining more than 250 additional lane miles of highway; and
- providing an expanded range of services to Idaho citizens; and

WHEREAS, employees have sacrificed in the past to improve the state highway system by:

- dedicating more than \$20 million in salary savings to improving pavement on highways; and
- by dedicating those salary savings, the condition of the state highway pavement has dramatically improved from only 62% in good condition in 1994 to 85% in good condition today; and

WHEREAS, employees are suffering economic hardships due to:

- increases in health insurance;
- inflation; and
- not receiving raises since July 2001; and

WHEREAS, Idaho state employees' wages currently lag behind:

- labor market averages by 14.6%;
- engineering positions lag up to 20.2%; and
- information technology positions lag 19.9%; and

WHEREAS, Idaho Code 67-5903C (B) reads "It is hereby the intent of the legislature that an employee may expect to advance in the salary range to the labor market rate for the pay grade assigned to a classification;" and

WHEREAS, 74% of ITD's workforce is below policy point; and

WHEREAS, retaining employees in this environment is becoming increasingly difficult as they leave for higher paying positions with cities, counties, highway districts, and other state agencies; and

WHEREAS, the Governor has given agencies flexibility in providing recognition of deserving employees through merit increases as long as the agency stays within the FY04 personnel costs appropriations and does not increase fees or require future revenue enhancements; and

WHEREAS, the Idaho Transportation Board believes it is imperative to begin addressing the critical compensation issues facing Department employees by recognizing that a modest permanent merit based program in FY04 is appropriate; and

WHEREAS, the Board has considered the concerns of employees throughout the state and directed Department management to prepare options to recognize the performance of employees.

NOW THEREFORE BE IT RESOLVED, that;

1. The Board finds the ITD Management 2004 Performance Based Merit Proposal to be consistent with the guidelines issued to state agencies.
2. The Board allocates up to \$2,000,000 to provide for the merit increases.
3. The Board directs ITD management to implement the permanent Performance Based Merit Proposal for FY04 no later than January 31, 2004, subject to review and approval by Division of Financial Management and Division of Human Resources; and

BE IT FURTHER RESOLVED, that the Board approves the transmittal of the ITD Management 2004 Performance Based Merit Plan for their review and approval.

Vice Chairman Combo expressed his support for this proposal. The Board heard numerous concerns from ITD employees during its District tours this past year regarding salary issues. He commended the dedicated, valuable employees of the Department for their service.

Old Business. At last month's meeting, the Board approved paying the hook-up fees for 10 current Northside Water Users Association (NWUA) customers to switch to the City of Sandpoint's water system if the City of Sandpoint waives its new customer fee. This is due to the need for NWUA and the City of Sandpoint to move their utilities for the US-95, Sandpoint to Kootenai Cutoff project, key #1509. CE Ross reported that the City of Sandpoint is not willing to waive its new customer fee. He asked for Board approval to negotiate with the parties to resolve this issue.

Member McHugh made a motion to authorize CE Ross to negotiate with the impacted parties on the relocation of utilities for the US-95, Sandpoint to Kootenai Cutoff project, and resolve the relocation issues. Member Blick seconded the motion and it passed unopposed.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member Sweeney made a motion to meet in executive session at 1:45 PM to discuss pending litigation matters. Member Miller seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on the legal issues included updates on potential litigation involving the Bellgrove to Mica project and pending litigation involving a contract claim.

The Board came out of executive session at 2:30 PM. No decisions were made.

WHEREUPON, the Transportation Board's regular monthly meeting adjourned at 2:30 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

January 21, 2004

Boise, Idaho

WORKSHOP AND REGULAR MEETING
OF THE IDAHO TRANSPORTATION BOARD

November 20-21, 2003

The Idaho Transportation Board met at 8:30 AM, on Thursday, November 20, 2003, at the Idaho Transportation Department, Boise, Idaho, for a work session. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Sue S. Higgins, Board Secretary

Dave Ekern, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Chairman Winder welcomed Senator Cecil Ingram to the meeting.

Funding Positions in Resource Agencies. Environmental Section Manager Dennis Clark reiterated that the Department has to comply with the Endangered Species Act. He believes funding positions in resource agencies is a beneficial mechanism to facilitate the procedures required to ready projects for construction.

Brent Inghram, Environmental Officer from the Federal Highway Administration (FHWA), Idaho Division, provided an overview of this issue at the national level. Currently, 34 states are funding positions in federal resource agencies. Some departments of transportation are also funding positions in state resource agencies. In response to a question on the job level of these positions, Mr. Inghram replied that most are journeymen, at GS 11 or 12.

Allison Haas, U.S. Fish and Wildlife Services (USF&W), believes this partnership is beneficial. USF&W can provide biological and policy expertise that ITD lacks. She believes funding a position in USF&W has been a cultural change that has been difficult for some employees to adjust to. Additionally, ITD staff is still learning about the Endangered Species Act and how to comply with its requirements. There is a learning curve for both groups, but she believes the relationship is improving and the procedures are being solidified. Ms. Haas also elaborated on the training that USF&W has been able to provide for ITD and FHWA staff.

Chairman Winder suggested that the directors of the agencies meet to facilitate a cooperative relationship, address issues with funding these positions, and ensure the law is being followed. He emphasized ITD's desire to comply with the Endangered Species Act.

Don Anderson, NOAA Fisheries, also provided an overview of the assistance it provides. It has the same obligations as USF&W in complying with the Endangered Species Act. He also believes that ITD funding a position in NOAA Fisheries is beneficial to both parties. The NOAA Fisheries position provides expertise that ITD cannot provide while learning more about transportation and ITD's responsibilities, which is helpful at it reviews and works on highway projects. He believes the relationship between the two agencies is improving.

Chairman Winder thanked Ms. Haas and Mr. Anderson for their comments.

Sound Walls. Senior Environmental Planner Roy Jost explained how sound is measured in regards to highway projects, the source of road noise, and the variables that influence road noise, such as the traffic volume, speed of traffic, percentage of trucks, and topography and structures. He also reported on FHWA's requirements for traffic noise analysis, and stated that the Districts work closely with local officials on noise issues. Abatement considerations include traffic management measures such as lowering the speed limit, buffer zones, noise barriers, and altering the alignment of the road. Mr. Jost added that the abatement measures must be feasible and reasonable.

Gary Moles, Roadway Design Area Engineer, elaborated on the various types of sound walls and their costs. Berms are also a less-expensive option. In response to Member Sweeney's question on the comparison of walls versus berms, Mr. Moles replied that berms don't require as much maintenance or repair. In response to a question on landscaping, Mr. Moles replied that the landscaping is generally the responsibility of the local agency.

Chairman Winder thanked Messrs. Jost and Moles for the informative presentation.

Road Noise. Materials Engineer Jeff Miles stated that the pavement type impacts the road noise level. He explained the various noises and how different pavements affect the noise level. Although road noise is a consideration in the pavement type, other factors have to be considered, such as smoothness, traction, and drainage. Mr. Miles added that FHWA does not allow pavement type to be a noise mitigation activity.

Vice Chairman Combo referenced several articles he read regarding pavement types that minimize the noise level. He asked staff to consider a quieter pavement on I-15 in the Idaho Falls area after the Sunnyside Interchange project has been completed. Mr. Miles acknowledged Vice Chairman Combo's request and added that staff continually researches this issue and looks at new pavement types that would be better to use in Idaho.

Legislative Issues. Director Ekern was pleased to introduce Julie Pipal to the Board. Ms. Pipal has been selected as the Budget, Policy, and Intergovernmental Relations Manager (BPIRM). She started last week, although she was employed at the Department from 1997-1998 as the Public Involvement Coordinator. Chairman Winder welcomed BPIRM Pipal back to ITD.

Transportation Planning Administrator Charles Rountree provided an overview on the federal FY04 appropriations bill and reauthorization of the Transportation Equity Act for the 21st Century (TEA-21). The Senate's highway portion of the six-year reauthorization bill was released last week, while the House bill was presented earlier this week. Staff has not had time to thoroughly review the House bill, but will review it, continue monitoring activities at the federal level, and continue working closely with the 5-State Coalition on this issue.

On the state level, Director Ekern summarized the efforts underway to prepare for the upcoming legislative session. In addition to the FY05 appropriations request, some of the issues the Department will focus on at the Germane Committee presentations include proposed legislation, reauthorization, long-term accomplishments, revenue forecasting, and the Department's various boards and commissions.

Senator Ingram believes last week's legislative meeting in District 3 was beneficial. Because there are always new legislators, he thinks it is important to educate legislators on the Department's activities and funding, particularly because it is a dedicated-fund agency. He requested an overview on the various boards and commissions as another means to educate legislators on transportation issues. He expressed appreciation to the Board and staff for the service they provide.

Chairman Winder thanked Senator Ingram for the comments and for his dedication and assistance to transportation.

In conclusion, Director Ekern summarized the District 1 and 3 legislative meetings held earlier this month. Some of the topics of discussion included financial planning management, forecasting, long-term transportation financing and investment options, the need to expedite project delivery, flexibility to preserve right-of-way, and staffing and salaries. The other four Districts have meetings scheduled in the near future.

Joint Meeting with the Idaho Traffic Safety Commission (ITSC). The Board had an informal luncheon with the ITSC at the DoubleTree Riverside, Boise, Idaho, before the joint meeting convened.

Chairman Winder thanked the ITSC for meeting with the Board. He also expressed appreciation to the Commission members for their service and participation on the ITSC.

Steve Rich presented the 2002 Idaho Traffic Collisions report. He stated that the primary goal is to reduce fatalities and serious injuries. Idaho's five-year fatality rate in 2002 was 1.91 fatalities per 100 million vehicle miles traveled, which was a slight decrease from 2001. He also outlined the funding sources for the Office of Highway Safety (OHS), and requested approval from the ITSC for the FFY04-06 funding proposal.

Chairman Winder noted the high rate of aggressive driving incidents and suggested a stronger emphasis on that behavior. Commissioner Gary Rose commented on Idaho's seat belt rate, which is 72% and the national usage rate is 79%. He believes legislation makes a big difference in usage and suggested more work needs to be done in this area. Commissioner Cecil Ingram expressed support to fund motorcycle safety issues. Some discussion followed on the need to establish permanent locations for training facilities. It was suggested that ITD provide its facilities for motorcycle training.

Director Ekern said that reauthorization of TEA-21 has a major focus on safety. Although the Department has excellent data to determine which programs to focus on, he also believes that the customers' needs and desires should be considered in the highway safety planning arena. Developing a vision for beyond FY06 should also be considered.

The Traffic Safety Commission approved the FY04-06 funding proposal.

Dr. Jerry Hirschfeld, Administrator, St. Luke's Children's Hospital, thanked the group for its time. He stressed the importance of child occupant safety devices and provided statistics on children involved in motor vehicle collisions. He also emphasized that legislation and education are key components to improve and increase the use of child occupant safety devices.

In response to Commissioner JoAn Wood's question on OHS's budget for this program, Josephine O'Connor replied approximately \$20,000. Dr. Hirschfeld said that St. Luke's Children's Hospital also spends about \$20,000 annually to promote child safety occupant devices. Commissioner Rose commended St. Luke's for its efforts and thanked Dr. Hirschfeld for the hospital's partnership in child occupant protection devices.

Ms. O'Connor outlined OHS's efforts in the bicycle and pedestrian program. Education is a key element, along with providing bicycle helmets and working with law enforcement. She also spoke about the important role the Public Health Districts (PHDs) play in the Child Passenger Safety program. They are the training force behind Idaho's Child Safety Seat Technician program. The PHDs have trained 300 technicians and have established 80 child safety seat check sites across the state using OHS funds. The Districts also provide Idaho's low-income families with car seats and education through their Injury Prevention programs, which are supported with funds from OHS.

Mary Hunter reported on the adult occupant protection activities and on the August seatbelt survey results. She said that states with primary seat belt laws have a higher overall usage rate than states without primary laws. She also stated that education, legislation, and partnerships are important measures to increase seatbelt usage.

Kevin Bechen provided an overview on the alcohol programs, including the ignition interlock devices, railway grade crossing efforts, and emergency medical services area. Discussion ensued on the ignition interlock devices. Although some concerns were expressed on the program, Commissioner Mark Hiedeman believes an effort should be made to educate prosecutors and judges on this program, as he believes it is a good, effective tool.

Chairman Winder thanked the ITSC and staff members for their efforts in the highway safety arena. He left the meeting at this time. Commission Chairman Larry Vincent presided.

Joe Peagler summarized the youthful driver program and media efforts. The most popular and successful programs appear to be Celebrate Graduation and the new teen driver web site.

Mark Strait outlined the traffic records, roadway safety, and aggressive driving programs. Stop sign violations is one of the identified aggressive driving behaviors. Because of the discussion at last month's Board meeting on a local proposal to increase penalties for stop sign violations, Mr. Strait elaborated on this behavior. Some efforts to curb this behavior include increased law enforcement, rumble strips, larger signs, and flashing warning lights. He believes it is important to address aggressive driving as a whole, versus focusing on one specific behavior, such as stop sign violations.

Acting Highway Safety Manager/Traffic Engineer Lance Johnson and Assistant Construction Engineer Doug Chase reported on the efforts of the Safety Work Zone Team. The Team plans to have its report completed in three to four months. Member McClure added that the federal reauthorization bill will probably address work zone safety issues.

Commission Chairman Vincent thanked staff for the informative presentations and the Board for the joint meeting.

WHEREUPON the workshop recessed at 5:15 PM.

November 21, 2003

The Board met in regular session at 8:30 AM on Friday, November 21 at the Transportation Department. The members in attendance on November 20 were present.

October 9-10, 2003 Board Minutes. Member McHugh made a motion to approve the minutes of the regular Board meeting held on October 9-10, 2003 as submitted. Member Sweeney seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

December 12, 2003 – Boise

January 21-22, 2004 – Boise

February 25-26, 2004 – Boise

Consent Calendar. Member McHugh made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-57 approves the certification of receipts and disbursements and permanent easement denial on Coeur d'Alene Lake Drive Trail, District 1; and has received and reviewed the Congestion Mitigation and Air Quality Improvement Program review update, Enhancement Program review, contract award information, new and supplemental professional agreements report, annual report on speed zone changes by city ordinances, and September financial statement analysis.

1) Certification of receipts and disbursements. The certification of receipts and disbursements cash basis, as shown as Exhibit #282, which is made a part hereof with like effect, was submitted for Board approval in conformance with the requirements of Section 40-708, Idaho Code. The Department's net resources available on June 30, 2003 were \$13,187,926.

2) Permanent Easement, Coeur d'Alene Lake Drive, District 1. Ms. Annie G. Doyle requested a permanent easement for property that she has been leasing from ITD along Coeur d'Alene Lake Drive. In the course of surveying the property for the easement, it was discovered that the property that Ms. Doyle is leasing showed signs of movement and instability. Upon reviewing the property, the Department's geologist prepared a report indicating the soil is cracking in several spots and there is evidence of soil movement and significant slope weathering. Due to the concern about the long-term potential for a slope failure on this property and the future need for ITD to perform extensive maintenance on the slope, staff does not recommend granting Ms. Doyle's request for a permanent easement.

3) Congestion Mitigation and Air Quality (CMAQ) Improvement Program Review Update. After the FY05 CMAQ application process in April 2002, the CMAQ Technical Review Committee recommended evaluating the program in light of reauthorization of federal transportation legislation and the potential for additional air quality nonattainment area designations in Idaho. Neither of these events has transpired to date. Overall reaction to the existing program has been positive, with support to retain it. The FY06-07 process will maintain the same overall policies, procedures, and requirements in place since FY99. The program will be evaluated after reauthorization of TEA-21.

4) Enhancement Program Review. Enhancement Program applicants applying for projects this year and also those that have applied in previous years will be surveyed this spring for suggested changes and improvements to the application and review process. The Enhancement Advisory Committee and District enhancement coordinators will review the suggestions and determine if changes should be implemented. Staff hopes that process can coincide with the passage of a new highway act, as modifications to the Enhancement Program may occur. Additionally, to assist in maintaining objectivity and reduce any perception of conflict of interest due to the balanced diversity in interests of the Committee, a change in the scoring process will be implemented immediately. In the past, an applicant's average score has been the total sum of the review scores divided by the number of reviewers. Now the high and low scores will be discarded and the average of the remaining scores will be used.

5) Contract Award Information. Key #8311 – Upper Pack River Road, Stage 1, District 1. Low bidder: Interstate Concrete & Asphalt Company - \$154,287.

Key #8094 – US-95, Snake River Bridge to Junction SH-19, District 3. Low bidder: Idaho Sand & Gravel Company, Inc. - \$944,449.

Key #9048 – US-12, Arrow Junction to Kamiah, Centerline Markings, District 2. Low bidder: Apply-A-Line, Inc. - \$488,428.

Key #8332 – Boise Downtown Intelligent Transportation System Deployment, District 3. Low bidder: Tri-State Electric, Inc. - \$124,500.

Key #8299 and #7553 – I-90, Variable Message Signs, 4th of July Pass and Portable Changeable Signs, District 1. Low bidder: Aztech Electric, Inc. - \$404,184.

Key #8451 – East Walker Street, Blackfoot, District 5. Low bidder: Gale Lim Construction, Inc. - \$612,239.

Key #7905 – SH-8, Joel Overpass Structure Removal, District 2. Low bidder: Westway Construction Company, Inc. - \$954,753.

Key #8122 – Moreland Road, District 5. Low bidder: Mickelsen Construction - \$817,898.

Key #6556 – Government Way, I-90 to Dalton Avenue, District 1. Low bidder: K C Construction - \$1,256,750.

The low bids on key #5030, McCall East-West Loop, District 3 and key #8038, I-15B, 5th Avenue Barton Road to Humbolt, Pocatello, District 5, were more than ten percent over the engineer's estimate and were rejected.

6) New and Supplemental Professional Agreements Report. From September 24 through October 31, the Consultant Administration Unit processed \$1,198,808 in professional, supplemental, and term agreements.

7) Annual Report on Speed Zone Changes by City Ordinances. Throughout the state, 20 cities have imposed speed limit changes that have gone against the recommendations of the Department. The results from studies done since implementation of city-imposed speed limits through 2003 suggest drivers are more inclined to disobey city-imposed speed reductions. The data shows better conformance to speed limits established by standard engineering practices. Most drivers continue to travel at speeds they consider reasonable, prudent, and safe. Due to the lack of data, the impact of law enforcement on decreased vehicle speeds was not investigated. No definite conclusions regarding

collisions can be made due to the limited information. The report will be distributed to all municipalities included in the report.

8) September Financial Statement Analysis. Total federal aid revenue from FHWA was \$2.2 million or 2.8% ahead of projections through September. Revenue from the Highway Distribution Account (HDA) was \$559,000 or 1.3% ahead of the forecast. Two revenue sources make up the majority of the dollar variance: gasoline tax and diesel tax. Personnel and operating expenditures were less than budgeted through the month. Capital equipment shows a negative variance of 384%. The majority of this is due to encumbrances from the issuance of purchase orders and is a timing issue. In Contract Construction, the federal program is behind spending projections by 19% and the state program is 42% less than projected.

Aviation fuel tax revenue through the end of September was 16.2% or \$71,500 below projections. Miscellaneous revenue was 9.7% less than forecasted. Overall expenditures were ahead of last year. The Aircraft Operations Fund is 18.8% below projections year to date. Expenditures are also less than anticipated.

Deletion of Board Policy B-07-03, Tort Claim Action Against Employees. Because Idaho Code, Sections 6-901 through 6-928 address the issue of tort claims against employees, staff recommends deleting Board and Administrative Policies B- and A-07-03, Tort Claim Action Against Employees, to avoid any conflict or variance from the statute.

Vice Chairman Combo provided a historical perspective on the June 1992 meeting, when B-07-03 was last signed.

Vice Chairman Combo made a motion to delete Board Policy B-07-03, Tort Claim Action Against Employees. Member Sweeney seconded the motion and it passed unopposed.

Board Items. Districts 1 and 3 held meetings for their area legislators earlier this month. Member McHugh said the District 1 meeting was well received and he was pleased with the turnout. He believes it was beneficial, both for the legislators and ITD. Although

Member McClure was disappointed with the turnout at the District 3 meeting, he also believes it was beneficial. Both members expressed support to continue these meetings.

Member Sweeney attended the Associated Taxpayers of Idaho Conference earlier this week. Overall, an optimistic outlook for the economic future was expressed. Chairman Winder noted that the revenue in the HDA was slightly above the forecast in September.

Member Sweeney asked for a future presentation on consultants' overhead rates and the use of consultants in general. Member McHugh requested future discussions on bypassing cities and on making US-95 a four-lane divided highway from the Canadian border to Lewiston.

On behalf of Member Miller, who had another commitment, Secretary to the Board Higgins reported on an issue in District 5. Member Miller visited the Firth Bridge project site with District staff earlier this month. An endangered snail has been discovered in the vicinity of the bridge. Staff is working with the resource agency to address this issue.

Director's Items. Director Ekern reported on some of the meetings he attended recently. The recommendations of the Governor's Blue Ribbon Task Force were reviewed by agency directors. One of the areas highlighted was coordination and partnerships with state agencies, such as shared facilities. He met with Ada County Highway District officials to discuss topics such as goals, signal coordination, and improving traffic flow. A meeting was held with Idaho State Police to discuss communication network and emergency response. Earlier this week, Director Ekern was in northern Idaho for an American Association of State Highway and Transportation Officials emergency response workshop. While in northern Idaho, he also attended the Idaho Rural Partnership conference and gave a presentation on the Transportation Futures project.

Chief Engineer's Items. CE Ross reported that the Bliss Bridge, a local bridge in District 4, has been closed to traffic due to safety concerns. He stated that staff is working with local officials on options to get the structure reopened.

Staff asked Community Planning Association of Southwest Idaho (COMPASS) to prepare a plan for the Treasure Valley to identify future needs. CE Ross believes it is

imperative to develop a plan and determine priorities for the area before proceeding with an environmental document for the proposed I-84, Ten Mile Interchange. This will enable ITD to work cooperatively with the local agencies on the priorities for the area.

Public Transportation Advisory Council (PTAC) Annual Report. Public Transportation Administrator Larry Falkner briefed the Board on the special public transportation task force's activities. It is considering legislation to provide revenue, mainly a local option tax, for public transportation.

General Jim Brooks, Vice Chairman of the PTAC, provided an overview on PTAC's recent activities. He also provided a history on legislative efforts for public transportation policy and funding. He reported that the Vehicle Investment Program continues to be a popular and successful program. General Brooks expressed support for a local option tax for public transportation. He believes it would promote economic development, benefit air quality, reduce congestion, and develop into a positive partnership between ITD and rural Idaho. He added that it could possibly include aeronautics. In conclusion, he expressed interest in proposing policy legislation in 2004.

In response to Member Sweeney's question on proposed funding legislation, General Brooks replied that the task force has not developed the proposed legislation. The next task force meeting is December 17.

Chairman Winder thanked General Brooks for the report and also for his dedication to public transportation. Due to the earlier economic downturn, he cautioned on the timing of a funding proposal, although he was supportive of exploring funding options.

Senator Ingram encouraged staff to promote and discuss public transportation at its district legislative meetings. He expressed support for a local option tax for metropolitan planning organizations, and added that the locals' and Board's support are needed on this effort.

Flying J Sign, District 3. DAG Bywater reported that he and John McCreedy, representing Flying J Inc., met with Steve Moreno, FHWA Division Administrator, to discuss the illegal sign near the I-84 and US-20/26 interchange in Caldwell. FHWA

determined that the sign is illegal and that there is no provision to allow a variance. However, due to the circumstances, Mr. Moreno indicated that FHWA would allow time for Flying J Inc. to seek other locations for the sign and requested that the sign be removed no later than January 1, 2006. If the district court and Flying J officials approve this resolution, DAG Bywater said Flying J will withdraw its request before the Board for a variance.

Mr. McCreedy thanked the Board for its time and willingness to resolve this issue. Because Mr. Moreno's letter was received yesterday, Flying J officials have not had an opportunity to approve this measure. He concurred that if they do, Flying J will withdraw its variance request and terminate the action in court.

Without objection, the Board accepted Flying J Inc.'s withdrawal of its request for a sign variance near the I-84 and US-20/26 interchange in Caldwell.

Delegation – Department of Environmental Quality (DEQ). DEQ Director Steve Allred expressed concern that the air quality issues that the Treasure Valley has been addressing are now appearing in the Spokane-Coeur d'Alene area. He elaborated on the issues in the Boise area, including sources of air pollution, and provided an overview on the Clean Air Act Non Attainment. Director Allred acknowledged ITD's efforts in addressing air quality issues and thanked the Department for its support.

Chairman Winder thanked Mr. Allred for the report. He also expressed a desire to continue working cooperatively on air quality issues and offered ITD's continued assistance in this arena.

Presentation – Local Asset Management/Road Inventory. Local Highway Technical Assistance Council (LHTAC) Administrator Joe Haynes summarized the locals' efforts to develop a statewide asset management system in cooperation with the Technology Transfer (T2) Center. LHTAC will monitor and oversee the program. He believes the asset management program will be beneficial to locals in a number of areas, including planning and identifying system needs. Doug Moore, T2 Center Director, elaborated on the system, which is based on the geographic information system. Some of the items the program will include are historical data, the condition of assets, the life of pavement, and information on needed improvements.

Member Sweeney asked if the accident information in the local system will tie into the Office of Highway Safety's records. Mr. Moore replied that that is the intent of the program. He added that the system will provide local agencies with additional information, such as road conditions at the time of the incident.

Member Blick asked if all highway districts will inventory their roads and related assets. Mr. Moore said that the T2 Center will collect the majority of the information, starting with the more rural areas of the state, but highway districts are expected to help with this project. In response to Member Blick's concern that some of the smaller entities may not have the resources to complete this effort, Mr. Haynes stated that LHTAC will provide assistance and help support the project. Mr. Moore added that it will take approximately three years to complete the project.

In response to Member McClure's question on whether all local public agencies have computer capabilities to operate this system, Mr. Moore replied not yet. An effort is underway to provide computers to all local entities.

Chairman Winder thanked Messrs. Moore and Haynes for the presentation and wished them well with this important endeavor.

Discussion on Human Resources Issues. As a follow-up to the annual Human Resources report in September, Vice Chairman Combo asked Human Resources Manager (HRM) Mary Harker to elaborate on the main issues and challenges HR is facing today and how those issues are different from when she started in her position. HRM Harker replied that approximately 10 years ago when she became the HRM, employees wanted more money and recognition. Now her office sees more personnel issues such as management consulting and team building. Regarding turnover, the rate is basically the same as it was 10 years ago, however, the reasons employees are leaving are different, although the reasons employees leave ITD were not tracked until 1995. Now employees appear to be leaving due to compensation issues. She expressed concern with retaining employees, particularly as the economy improves.

Chairman Winder thanked HRM Harker for the overview on personnel issues.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member Sweeney made a motion to meet in executive session at 11:45 AM to discuss pending litigation matters. Member Blick seconded the motion and it passed 5-0 by individual roll call vote.

The general tenor of the discussion on the legal issues included updates on pending litigation.

The Board came out of executive session at 12:45 PM. No decisions were made.

Presentation of Utility Hearing Process per Established ITD Policy. Utility/Railroad Engineer Jonathan Lenhart provided an overview on the authority for utilities to use and occupy the highway right-of-way and the Board's authority to prescribe and enforce regulations controlling the use of the right-of-way by utilities. Idaho Code grants the utility company being ordered to relocate its facilities for highway projects an opportunity for a hearing. Mr. Lenhart provided a summary on the hearing process.

Request for Financial Assistance from Questar Company, US-91, Utah State Line to Preston, Key #7750, District 5. The US-91, Utah State Line to Preston project will reconstruct 7.8 miles at an estimated cost of \$17.1 million. Construction is expected to start in the spring of 2004. Questar Company, a Utah company serving Idaho customers, has gas lines within the project area that need to be relocated, according to Mr. Lenhart. A utility hearing was held on October 16, 2003, where Questar recognized its responsibility for the relocation of its facilities at an estimated cost of \$1 million. Questar is requesting reimbursement from ITD. If there is no reimbursement of the relocation costs, Questar intends to pass this cost on to its customers in Franklin County. Questar proposed that if ITD reimbursed the company for 50% of the utility relocation costs, the remainder of the costs would be borne by Questar with no increase to Franklin County customers.

Member McClure stated that taxpayers will pay for the relocation costs, whether it is the Franklin County customers through a surcharge, or ITD. He expressed concern that the Utah Public Utilities Commission apparently has authority on this case, even though the

customers reside in Idaho. He also expressed concern with Idaho customers paying these relocation expenses, but is reluctant to have ITD pay the costs.

Based on the record on hand, Member McHugh made a motion to deny the request for financial assistance from Questar Company to relocate its utility facilities. Member Sweeney seconded the motion and it passed unopposed.

Request for Financial Assistance from Northside Water Users Association (NWUA), US-95, Sandpoint to Kootenai Cutoff, Key #1509, District 1. The US-95, Sandpoint to Kootenai Cutoff project will reconstruct over 1 mile at an estimated construction cost of \$10.8 million. NWUA has a waterline that services approximately 135 residences with potable water within the project area. Both NWUA and the City of Sandpoint, which also provides water service within this area, are required to relocate their facilities for this project. Mr. Lenhart said a utility hearing was held on September 3, 2003 for NWUA. The company recognized its responsibility to relocate its facilities, impacting 10 of its customers. The estimated relocation cost is \$196,000. This expense would create a financial hardship for the association, and it believes the relocation costs may bankrupt it.

Mr. Lenhart said that if NWUA were to discontinue service to the 10 impacted members, the City of Sandpoint could provide water service. A new user fee of \$2,050 and hook-up fee of \$750 per customer would be required, for a total cost of \$28,000. NWUA indicated it does not have the resources for this option and has requested ITD pay the City of Sandpoint \$28,000 to provide service to the 10 new customers.

Member McHugh reported that District 1 tried to find an acceptable resolution to this issue, such as ITD paying the expenses now and the Association repaying ITD over a period of time. Mr. Lenhart concurred that that option was presented after the hearing; however, he does not believe ITD is allowed to do that, as it would be a loan.

Member Sweeney questioned the City of Sandpoint's responsibilities to provide water to residents. CE Ross said that during negotiations to resolve this issue, staff proposed paying the expenses to connect the 10 customers to the cities' system if the city would waive the new user fee. Sandpoint was not willing to waive its fee. CE Ross said the two water lines are parallel and Sandpoint is relocating its line.

Vice Chairman Combo made a motion to pay the hook-up fee for the 10 current NWUA customers to switch to the City of Sandpoint's water system if the City of Sandpoint waives its new customer fee. Member Sweeney seconded the motion.

Member McHugh asked if the relocation of the utilities may delay the construction of the project. Assistant Chief Engineer – Design (ACE-D) Steve Hutchinson replied that the US-95, Sandpoint to Kootenai Cutoff project is currently in Preliminary Development. However, there are only three right-of-way parcels left to acquire, then the project would be ready to advance when funds become available. Member McClure asked for clarification on who initiated the project. ACE-D Hutchinson responded that it is ITD's project.

The motion passed unopposed.

New Project – Boise Cut-off – Eight Crossings, District 3. Rail-Highway Crossing Safety Coordinator Lee Wilson reported on the safety issue at eight railroad crossings in the Boise, Meridian, and Nampa area. The railroad crossing signals on the Boise Cut-Off Branch go into flashing mode when trains are parked near the crossings due to the old track circuits in use. If a train stops within this old track circuitry, the lights keep flashing until the train moves off the circuit. This encourages the traveling public to drive through the flashing lights, resulting in a potential safety problem. Mr. Wilson requested \$729,381 to replace the existing circuits with new technology, constant warning time track circuits to address this safety issue. Idaho Northern and Pacific Railroad will also be providing funds for this project, which would start as soon as an agreement could be finalized with the railroad. Funding this project would leave a balance of \$22,505 in the Railroad Grade Crossing Protection Fund.

Member Sweeney asked how many trains travel on these tracks per day. Mr. Wilson responded two. He added that the City of Boise plans to use the track in the future. In response to Vice Chairman Combo's question on whether the dollar amount may increase, Mr. Wilson replied that the \$729,381 figure is a fixed amount.

Member McHugh made a motion, seconded by Vice Chairman Combo, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Railroad Grade Crossing Protection Fund has been established

ITB03-58 by they Idaho Legislature to promote public safety at railroad grade crossings; and

WHEREAS, the Idaho Transportation Department is charged with the sole and exclusive administration of this fund; and

WHEREAS, safety is the primary issue regarding the at-grade rail-highway crossings on the Boise Cut-Off Branch; and

WHEREAS, safety issues and equipment deficiencies exist at the at-grade rail-highway crossings at Overland Road (819623B), Kootenai (819622U), Latah (819618E), Roosevelt (819617X), Orchard (819614C), Cole Road (819607S), Cloverdale Road (819600U), and 11th Avenue North Extension (819469F); and

WHEREAS, equipment improvements of these eight at-grade rail-highway crossings will increase safety and reduce delay to the traveling public.

NOW THEREFORE BE IT RESOLVED, that as a matter of safety and driver convenience, a FY04 corridor project in the amount not to exceed \$729,381 is approved to upgrade these eight at-grade rail-highway crossings on the Boise Cut-Off Branch using the Railroad Grade Crossing Protection Fund.

Contract Awards. CE Ross said the low bid on project STP-3340(108), key #8944 – SH-51, Broken Wagon Flat Road to Milepost 60, Owyhee County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The items that significantly exceeded the engineer's estimate, which was based on the Average Unit Prices for similar quantities of materials, were Mobilization, Mulching, and Flagging. Staff's review of the engineer's estimate indicate that the remoteness of the site appears

to have resulted in higher bid prices for Flagging and Mobilization, and the Mulching prices were apparently affected by special provisions requested by Maintenance that were not properly accounted for. Staff recommends awarding the contract because it would like to start construction this fall to address the safety concerns on SH-51, and it does not anticipate lower bids if the project is readvertised.

Member McClure made a motion to award the contract on key #8944 to the low bidder: Western Construction, Inc. – Boise, Idaho - \$283,172.84. Member Blick seconded the motion and it passed unopposed.

Member McHugh made a motion to award the contract on project IM-84-3(022)133, key #3711 – I-84, Bliss Rest Area, Gooding County, District 4, to the low bidder: Western Construction, Inc., Boise, Idaho - \$6,229,723.60. Member Blick seconded the motion and it passed unanimously.

Vice Chairman Combo made a motion to award the contract on project DHP-NH-1567(001), key #5133 – US-95, Mann’s Creek Curves, Washington County, District 3, to the low bidder: Steelman-Duff Inc., Clarkston, Washington - \$5,499,777.50. Member Sweeney seconded the motion and it passed unanimously.

Member Sweeney made a motion to award the contract on project ST-7231(620) and ST-7231(621), key #8438 and #8439 – I-15B, 5th Avenue, Humbolt to End Couplet, Pocatello and 4th Avenue, Fredregill to End Couplet, Pocatello, Bannock County, District 5, to the low bidder: Beco Construction Company, Inc., Idaho Falls, Idaho - \$3,124,823.56. Member McClure seconded the motion and it passed unopposed.

Designation of New Lewis-Clark Valley Metropolitan Planning Organization, District 2.

Ron Kerr, Senior Transportation Planner, reported that in the Lewiston, Idaho/Washington urbanized area, the Census 2000 population was 50,317. This established the area as a metropolitan planning organization. The cities of Lewiston, Idaho, and Asotin, Washington, and the counties of Nez Perce, Idaho, and Asotin, Washington named the MPO the Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO) in April 2003. The organization’s by-laws and joint powers interagency agreement have been approved and executed by the member agencies. The Memoranda of Understanding/Fiscal Agreements between LCVMPO and ITD and Washington State Department of Transportation have been approved, and other activities

are being completed. Mr. Kerr said the next step is designation by the governors of Idaho and Washington recognizing LCVMPPO as the official MPO for the urbanized area. The entity has requested ITD's support for the official designation.

Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, 23 USC 134, 23 CFR, Part 450.30 requires that a Metropolitan

ITB03-59 Planning Organization (MPO) be designated for each urbanized area (50,000 or greater population) to provide for the development of a continuing, cooperative, and comprehensive planning transportation planning process; and

WHEREAS, Census 2000 determined that the Lewiston, Idaho/Washington urbanized area qualified as such based on criteria established by the U.S. Census Bureau; and

WHEREAS, the local governments within the Lewiston, Idaho/Washington urbanized area have agreed on the planning boundaries for the organization; and

WHEREAS, the name of this organization will be the Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO); and

WHEREAS, LCVMPPO has entered into a cooperative organizational agreement among the members of its Policy Board, which include the City of Lewiston and Nez Perce County, Idaho, and the City of Asotin and Asotin County, Washington; and

WHEREAS the designation of a MPO shall be by agreement between the governor and units of general purpose government representing 75% of

the affected metropolitan population (including Lewiston as the central city designated by Census 2000); and

WHEREAS, LCVMPPO meets the requirements for designation by the governor as the MPO for the Lewiston, Idaho/Washington urbanized area.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board transmit a recommendation to the Governor of Idaho, the Honorable Dirk Kempthorne, that LCVMPPO be designated as the MPO for the Lewiston, Idaho/Washington urbanized area.

WHEREUPON, the Transportation Board's regular monthly meeting adjourned at 2:25 PM.

signed

CHARLES L. WINDER, Chairman
Idaho Transportation Board

Read and Approved

December 12, 2003

Boise, Idaho

REGULAR MEETING AND DISTRICT FIVE TOUR

OF THE IDAHO TRANSPORTATION BOARD

October 9-10, 2003

The Idaho Transportation Board met at 10:30 AM, on Thursday, October 9, 2003, in Montpelier, Idaho. The following principals were present:

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Dave Ekern, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Representative Joe Cannon, Aeronautics Advisory Board Chairman Rodger Sorensen, Federal Highway Administration Division Administrator Steve Moreno, and Legislative Services Office Budget Analyst Eric Milstead were also present.

Meeting with Wyoming Transportation Commission. Vice Chairman Combo welcomed the Wyoming delegation to Idaho and thanked them for meeting with the Idaho Board. District 6 Engineer (DE) Tom Cole, Assistant District 5 Engineer (ADE) Blake Rindlisbacher, and Wyoming DE John Eddins reported that they are establishing a good working relationship. They understand the importance of coordinating projects at and near the border and make a concerted effort to communicate on projects and issues of concern. Wyoming Commissioner Ed Opella also emphasized the importance of communicating on projects. He mentioned an upcoming project on US-26 from Dubois to Jackson that may impact traffic in Idaho.

Some discussion was held on ports of entry and rest areas. According to Wyoming Commission Chairman Bob Grieve, a federal study indicated that more truck parking spaces are needed in Wyoming. The Department is exploring options to address that issue, including working with private enterprise.

The two departments are in the process of finalizing an agreement for cross-border maintenance assistance. Both Chairmen Combo and Grieve expressed a desire to work cooperatively on maintenance assistance.

Director Ekern suggested meeting on a regular basis to discuss issues of mutual concern. Member Sweeney added that communication and coordination between states is important. Chairman Grieve thanked the Board for initiating this meeting. He believes it would be beneficial for the boards and commissions of the Five-State Coalition to hold a special meeting.

An informal lunch was held with the Wyoming delegation, area officials, and ITD maintenance employees.

Delegation – Five County Coalition. ADE Rindlisbacher expressed appreciation to the members of the Five-County Coalition. He said the group is committed to addressing transportation issues and provides a valuable service to ITD. The Coalition members asked questions about area projects, asked the Department to consider impacts to area businesses when construction occurs, and expressed a need to pave a local gravel road.

Member Miller thanked the Coalition for attending the meeting. He said a good partnership is developing between the group and District. Director Ekern also stated that the Coalition plays a critical role in the transportation arena and encouraged it to work closely with the District 5 staff.

The Board traveled north on US-89 to the Geneva Summit. It participated in the ribbon-cutting ceremony for the East of Narrows to Bischoff Canyon project. The tour then continued south on US-89, west on US-30 and north on I-15 to Pocatello.

WHEREUPON the tour of District 5 recessed at 4:45 PM.

October 10, 2003

The Board met at 8:30 AM on Friday, October 10 at the District 5 Office in Pocatello, Idaho. The members in attendance on October 9 were present. Vice Chairman Combo presided.

September 18-19, 2003 Board Minutes. Member McHugh made a motion to approve the minutes of the regular Board meeting held on September 18-19, 2003 as corrected. Member Sweeney seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

November 20-21, 2003 – Boise

December 11-12, 2003 – Boise

January 21-22, 2004 – Boise

Consent Calendar. Member McHugh made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-56 has received and reviewed the contract award information, the new and supplemental professional agreements report, and the August financial statement analysis.

1) Contract Award Information. Key #8333 – Overland Road Intelligent Transportation System Deployment, District 3. Low bidder: Quality Communications, Inc. - \$121,828.

Key #8212 – I-90, Veterans Memorial Bridge, District 1. Low bidder: N. A. Degerstrom, Inc. - \$165,504.

Key #7700 – US-20, Glenwood to 44th Street, District 3. Low bidder: Central Paving Company, Inc. - \$1,644,310.

Key #8899 – US-93, Seal Coats, District 4. Low bidder: Idaho Sand & Gravel Company, Inc. - \$1,489,575.

2) New and Supplemental Professional Agreements Report. From September 2 through September 23, the Consultant Administration Unit processed \$2,782,769 in professional, supplemental, and term agreements.

3) August Financial Statement Analysis. Total federal aid revenue from FHWA was \$6.9 million or 12% below projections. Revenue from the Highway Distribution Account was \$745,000 or 2.7% below the forecast. Personnel

and operating expenditures were less than budgeted through August. Capital equipment shows a negative variance of 455%. The majority of this is due to encumbrances from the issuance of purchase orders and is a timing issue.

Aviation fuel tax revenue through the end of August was 9.3% or \$21,000 below projections. Miscellaneous revenue was 18% less than a year ago. Overall expenditures were ahead of last year. No revenue was received in the Aircraft Operations Fund for the month, and expenditures were less than projected.

Board Items. Member Blick received a letter from Jerome Highway District asking for support to increase the penalty for stop sign violations. He believes it would be prudent to review the legislative proposal before taking a position. The consensus of the Board was to have staff prepare a white paper on this issue for discussion at the joint meeting with the Idaho Traffic Safety Commission next month.

CE Ross added that the Office of Highway Safety (OHS) recognizes the dangers of stop sign violations. This action is considered an aggressive driving behavior. OHS has identified curbing aggressive driving as a high priority.

Member McClure commented that savings from construction projects do not stay in the Districts; that money is returned to Headquarters. However, the District is responsible for additional costs for projects that are more than 10% over the engineer's estimate. He questioned this practice.

CE Ross elaborated on the policy that authorizes him to use savings to cover the additional costs for projects that are between 100% and 110% of the engineer's estimate. He believes this policy is an incentive for the Districts to develop accurate engineer's estimates. It was suggested that this policy be revisited at a future meeting and that staff provide historical information on construction savings versus overages.

Director's Items. Director Ekern reported that the Transportation Equity Act for the 21st Century (TEA-21) expired on September 30. No new bill has been approved; however, Congress passed a five-month extension that provides spending authority to the U.S. Department of Transportation. Staff will continue its efforts on reauthorization. He also mentioned a recent meeting with U.S. Congressman Butch Otter. The discussion focused on reauthorization.

Director Ekern believes the Department's presentations at the recent Joint Finance and Appropriations Committee (JFAC) meeting were well received.

Staff is working on the Department's presentations for the upcoming legislative sessions. Director Ekern is involving the District Engineers and Board members in this effort. Some of the themes will include productivity, improvements to the system during TEA-21, and the visioning process currently underway.

Vice Chairman Combo mentioned a recent discussion he had with former Board Member and current JFAC member Representative Mike Mitchell. The legislator believes it would be beneficial for the District Engineer and Board member to conduct meetings in their respective District for area legislators. The formal presentations to JFAC and the Germane Committee focus on the Department, so he believes it would be valuable to focus on the District at these meetings.

Director Ekern attended the recent Governor's Conference on Air Quality in the Treasure Valley. The Department of Environmental Quality (DEQ) sponsored the conference, with other entities, including ITD, co-sponsoring the event. The Treasure Valley is at a critical juncture with the non-attainment issue and needs to develop a plan to address air quality. The Board will be kept apprised of the activities and Department's involvement in this arena.

The Governor's Blue Ribbon Task Force has submitted its recommendations, according to Director Ekern. Staff is reviewing the issues that impact the Department.

In conclusion, Director Ekern reported that he has completed his initial set of tours learning about ITD, in the Districts and at the Headquarters complex.

Chief Engineer's Items. CE Ross was pleased to announce that ITD received an American Association of State Highway and Transportation Officials (AASHTO) award for its efforts in estimating construction costs. Of all of the state departments of transportation that use the AASHTO software program for estimating, ITD has the best record preparing engineer's estimates. Vice Chairman Combo commended CE Ross and the Division of Highways for this recognition.

In response to Member McHugh's earlier question regarding the Department's use of alternative fuels, CE Ross reported that ITD is working with DEQ on biodiesel fuel. The Department has several electric hybrid vehicles in its pool. He supports using alternative fuels, although there are issues that need to be addressed. CE Ross said that staff will continue exploring alternative fuel options and will use them when feasible. Member McClure believes ITD should be proactive in this area. The Board expressed support to utilize alternative fuels.

Delegation – Ray Robinson. Inkom citizen Ray Robinson expressed concern with motorists exceeding the speed limit. He believes speed kills and encouraged the Board to reduce speed limits to save lives. He thanked the Board members for their time.

Vice Chairman Combo provided information on establishing speed limits, including Idaho's laws. CE Ross elaborated on the engineering studies and safety analyses. Member Sweeney expressed appreciation to Mr. Robinson for his concern and interest in this issue. He added that enforcement is the key to reducing excessive speeds. Member McClure asked staff to provide reports and documents outlining the process of establishing speed limits and related information to Mr. Robinson.

Vice Chairman Combo thanked Mr. Robinson for his comments.

District 5 Adopt-A-Highway Awards. The Pocatello Rotary Club and Log End Gallery of McCammon were recognized for their efforts in the Adopt-A-Highway Program. District 5 Adopt-A-Highway Coordinator Jeri Ross thanked the groups for the valuable service they provide to the state.

Idaho Transportation Future: Getting There Together – Draft Vision for Review and Comment. Senior Transportation Planner Matt Moore provided an update on the process undertaken to develop a vision for Idaho's transportation future. A draft document has been compiled that summarizes the comments received during the information-gathering process regarding the vision of Idaho's future transportation system. He requested Board concurrence to distribute the document for public review and comment.

Although Member Blick supports the efforts to date, he believes a practical approach should be undertaken next. A realistic plan for the transportation infrastructure system is needed.

Member Miller elaborated on the importance of wise land-use decisions. Land-use decisions impact transportation. Coordination and communication amongst various entities is needed to determine the impacts of these decisions. He believes it is important to develop a mechanism to bring all impacted parties together to work cooperatively on land-use issues and determine the potential effects of those actions. Member Miller also commented on the various funding sources available to local public agencies. There is a need to identify those sources and educate the entities on that.

Director Ekern elaborated on the vision. It needs to be clear that Idahoans want mobility. There needs to be a balance between highways and other modes. It is important to maximize the use of the existing facilities and also increase capacity in some areas.

Vice Chairman Combo thanked Mr. Moore and staff for the presentation and for their efforts on this important project.

Member McClure made a motion to proceed with the visioning process: to release the draft vision document to the public for review and comment. Member Blick seconded the motion and it passed unopposed.

Intermodal Planning Manager Patti Raino thanked the Board for its involvement in and support of the visioning process.

Contract Awards. Member McClure made a motion to award the contract on IM-84-2(055)122, key #7796 – I-84, Glens Ferry to King Hill Westbound, Elmore County, District 3, to the low bidder: Western Construction, Inc., Boise Idaho - \$11,770,881.84. Member Sweeney seconded the motion and it passed unopposed.

CE Ross reported that the low bid on project IM-84-2(056)57, key #7043 – I-84, UPRR Bridge to Gowen Road Overpass, Ada County, District 3, was more than ten percent over the engineer's estimate, requiring justification. In comparing the low bid to the engineer's estimate, significant differences were found in Granular Subbase, Concrete Class 27.5 B Schedule #1, Concrete Class 27.5 A Schedule #2, MSE Retaining Wall, and Geogrids for Reinforced Embankment. The major differences are partly due to the compressed schedule for the project and the cold weather

construction. Staff believes the variance of unit prices for the MSE Retaining Wall and the Geogrids for Reinforced Embankment are due to verbiage within the specifications requiring a greater amount of excavation and shoring than was accounted for in the engineer's estimate. Based on its review of the bids, staff recommends awarding the project.

Member Sweeney asked why the cold weather work wasn't taken into consideration and if the project could wait. CE Ross believes there is some urgency to constructing the project, but that it could possibly wait.

Member McHugh also commented on the cold weather work and the compressed schedule. Via video conference, DE 3 Pamela Lowe reiterated that other items, such as the Granular Subbase, were also estimated incorrectly. She expressed a desire to construct the project as soon as possible. CE Ross added that if the bids are rejected and the project re-advertised, changes would have to be made to the bid package. He does not foresee what changes could be made to the project.

Member McClure made a motion to award the bid on project IM-84-2(056)57, key #7043, to the low bidder: Idaho Sand & Gravel Company, Inc., Nampa, Idaho - \$1,584,115.03. Member Blick seconded the motion and it passed unopposed.

CE Ross informed the Board that the low bid on the McCall East-West Loop project, key #5030, in District 3 was more than ten percent over the engineer's estimate. Staff rejected the bids. Funding for the additional costs is a concern because the project was initially approved with 100 percent federal funds. No match was required. Additionally, there is a right-of-way parcel that may cost more than expected. Between the construction and right-of-way costs, CE Ross believes an additional \$2 million or more may be needed.

Member McClure expressed support for the project. He said the bridge work needs to be done in winter and there are other construction items that can be completed in winter. Although some changes could be made to the project, he does not believe the adjustments would decrease the bid amounts to the programmed amount. He suggested having a constructability meeting, changing the specifications, and rebidding the project. Member McClure also commented on the right-of-way parcel in question. He does not believe staff considered the fact that the land is a gravel pit or close to a gravel pit. Gravel sources are valuable.

CE Ross said that if Surface Transportation Program funds are used for the additional costs on the East-West Loop project, another project would have to be delayed. The delayed project would probably be a local project because the East-West Loop is a local route. State funds cannot be used.

Member McHugh said he did not recall waiving the match requirement on this project. He believes it was a bad precedent. Although Member Sweeney believes the project is important to the community, he questioned the City's support for the project. Member McClure reiterated the importance of the project, not only to the local community, but also the state highway system. If the bridge on SH-55 is not passable, motorists have a long detour to access the other side of the river. No convenient alternate route is available. That is a concern for law enforcement and emergency services.

Member Miller expressed concern that the locals are not providing match for the project. He mentioned that the City of Soda Springs had to drop a project because it could not come up with its match. He also expressed concern with the additional costs for the right-of-way parcel.

LHTAC Administrator Joe Haynes said the Local Federal Aid Incentive Program may be a funding source for the additional costs.

CE Ross said staff will continue working on the funding issues for this project.

Old Business. CE Ross stated that the agreement to fund a position in the NOAA Fisheries expired. Funding has continued under an informal agreement. Because of the assistance this agency provides in reviewing ITD projects and approving permits, CE Ross asked the Board to approve an extension to the agreement to continue funding this position. The agreement could be terminated by either party at any time. He added that a discussion on funding positions in resource agencies will continue at next month's Board meeting.

Member McClure made a motion to extend the agreement to fund a position in NOAA Fisheries. Member Blick seconded the motion and it passed unanimously.

Recently, Member Miller read an article stating that the Hailey Airport is at an unsafe location. He expressed opposition to provide additional federal funding for the Friedman Memorial Airport because of concerns with its location. Member Sweeney commented on the technological improvements in the aviation industry. He believes a new approach system will be installed at the airport and other technology can be used to address the concerns of the facility's location.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member Sweeney made a motion to meet in executive session at 11:35 AM to discuss personnel and legal matters. Member McHugh seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on the legal issue included an update on pending litigation.

The general tenor of the discussions on the personnel matters included an update on an investigation into alleged employee misconduct and to consider complaints regarding the performance of an employee.

The Board came out of executive session at 11:55 AM. No decisions were made.

WHEREUPON, the Transportation Board's regular monthly meeting adjourned at 11:55 AM.

_____ signed _____

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

November 21, 2003

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

September 18-19, 2003

The Idaho Transportation Board met at 8:35 AM, on Thursday, September 18, 2003, at the Idaho Transportation Department in Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Dave Ekern, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

August 21-22, 2003 Board Minutes. Member Blick made a motion to approve the minutes of the regular Board meeting held on August 21-22, 2003 as submitted. Member Miller seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

October 9-10, 2003 – District 5

November 20-21, 2003 – Boise

December 11-12, 2003 - Boise

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-49 approves the correction to the June 2003 Board minutes regarding the East Main Street entry, District 2; Administrative Rule IDAPA 39.03.81, Temporary Permits; correction to the Utility Accommodation Policy July 2003 Edition and IDAPA 39.03.43, Rule Governing Utilities on State Highway Right-of-Way; and speed minute entry changes, US-30, District 5; and has received and reviewed the contract award information; the new and supplemental professional agreements report; the quarterly report on legal actions; and the July financial statement analysis.

1) Correction to June 2003 Board Minutes: East Main Street, Key #5419, District 2. Two errors in the June 2003 Board meeting minutes need to be corrected in the East Main Street entry. The resolution approved at the June meeting stated that the City of Lewiston has a balance due with the Department of \$293,891.51 for the construction costs and that the Board approves eliminating that amount due. The correct figure should be \$293,891.49. Additionally, the resolution approved by the Board stated that the Board authorizes \$56,108.51 in State STP funds to be applied to the City's repair of its street. However, the minutes incorrectly stated that \$45,108.51 in State STP funds would be applied to the City's repair of its street. The correct number should be \$56,108.51.

2) Administrative Rule IDAPA 39.03.81, Temporary Permits. In July, the Board approved amendments to administrative rules governing the issuance of temporary permits in lieu of full registration. The revisions were requested in order to accommodate a ruling by the Ninth Circuit of the United States Court of Appeals. However, the Board directed staff to explore legislative and enforcement issues. Staff requested withdrawing the amendments to IDAPA 39.03.81, and instead, developing and distributing procedures to comply with the court ruling.

3) Correction for Utility Accommodation Policy July 2003 Edition and IDAPA 39.03.43 Rule Governing Utilities on State Highway Right-of-Way. Upon further review of the Utility Accommodation Policy July 2003 Edition and revisions to IDAPA 39.03.43, staff recommends incorporating the text of IDAPA 39.03.43 into the policy rather than referencing the rule. Staff believes the change will make it easier for the reader to understand the policy without having to refer to a separate document.

4) Speed Minute Entry Changes, US-30, District 5. Staff conducted an engineering and traffic investigation on US-30 near its junction with I-15. Based on the results of the analysis, the District recommends modifying the speed limit on US-30 from milepost (MP) 359.870 to 359.493 from 55 miles per hour (MPH) to 45 MPH and on I-15B from MP 3.608 to 4.546 from 55 MPH to 45 MPH.

5) Contract Award Information. Key #6987 – US-30 and SH-27, Burley Streets, District 4. Low bidder: Western Construction, Inc. - \$1,456,695.

Key #8032 – Mountain Home Pathway, District 3. Low bidder: King Excavation - \$95,801.

Key #8144 – Yale Road, District 4. Low bidder: Western Construction, Inc. - \$1,672,267.

Key #8481 – Pleasantview Road, Seltice Way to Prairie, District 1. Low bidder: M. A. DeAtley Construction, Inc. - \$1,502,061.

Key #8929 – US-95, Cocolalla to Westmond, District 1. Low bidder: Interstate Concrete & Asphalt Company - \$965,963.

Key #8659 – I-15, Chubbuck Road North, District 5. Low bidder: H K Contractors, Inc. - \$175,286.

The low bid on key #7923 – US-95, Fort Hall Hill, District 3, was more than ten percent over the engineer's estimate. Staff rejected the bids.

6) New and Supplemental Professional Agreements Report. From August 2 to September 1, the Consultant Administration Unit processed \$1,877,115 in professional, supplemental, and term agreements.

7) Quarterly Report on Legal Actions and Contract Claims. A summary of legal cases resolved by the Legal Section between June 1 and September 1 and a status of current legal cases were provided. A Claims Status Report for contract claims pending at various levels of review was also included.

8) July 2003 Financial Statement Analysis. This is the first fiscal year ITD is collecting indirect costs from FHWA. In the first month, \$2.3 million was collected. Total federal aid from FHWA is \$1.1 million, or 4.2%, below projections for the month. Revenue

from the Highway Distribution Account is below the forecast by \$270,000 or 2%. Expenditures for personnel and operating are less than budgeted. Capital equipment shows a negative variance of 195%. The majority of this is due to encumbrances from the issuance of purchase orders and is a timing difference. In contract construction, both the federal and state programs are behind spending projections by 30%.

The Aviation Fuel Tax revenue for the month is 9.9% or \$10,000 less than projected and miscellaneous revenue is lower than that collected last year for July. Overall expenditures are ahead of last year. The aircraft pool revenue was ahead of projections by \$10,300 while personnel and operating expenditures are less than projected.

Board Items. Member Sweeney attended the recent American Association of State Highway and Transportation Officials' (AASHTO) annual meeting. He said the main focus of the conference was reauthorization of the Transportation Equity Act for the 21st Century (TEA-21). He attended a special boards and commissions meeting and participated in ITD meetings with officials from the Federal Highway Administration (FHWA) and Federal Transit Administration. Member Sweeney also mentioned that former director Dwight Bower received the prestigious George S. Bartlett Award at AASHTO.

Vice Chairman Combo announced that Cathy Koon, a part-time employee from District 6, was the recipient of two National Federation of Press Women awards and a number of state awards in the Idaho Press Women Communications Contest. Vice Chairman Combo congratulated Ms. Koon on her outstanding efforts.

Member Miller outlined the tour and meeting plans for next month's meeting in District 5. Tentative plans are to conduct a joint meeting with the Wyoming Transportation Commission.

Member McClure was in Washington, D.C. earlier this week attending an Associated General Contractors of America meeting. The main topic of discussion was reauthorization.

Director's Items. Director Ekern reported on his activities from the past two months. He visited each district and met numerous ITD employees. The tours were very informative and he heard a lot of concerns and ideas. He also met with a number of state legislators and other groups such as the Idaho Trucking Association and the Association of Idaho Counties.

Director Ekern attended the recent AASHTO meeting. He mentioned that TEA-21 expires in 11 days and Congress is working on a six-month extension. Financing mechanisms and the Enhancement Program appear to be two compromising issues.

Next week Director Ekern, Chairman Winder, and several staff members will give a presentation to the Joint Finance and Appropriations Committee in Coeur d'Alene. The Department's revenue forecasting and project selection and prioritization are some of the items that will be included in the presentation.

In conclusion, Director Ekern stated that he will attend the Governor's Conference on Air Quality in the Treasure Valley on September 30 and October 1.

Chairman Winder welcomed Senator Cecil Ingram and Representative Shirley McKague to the meeting. He thanked them for their continued support and interest in transportation issues.

Chief Engineer's Items. CE Ross also attended the recent AASHTO meetings. In addition to reauthorization, topics of discussion included an enhanced safety program called Highways for Life, a special program to accelerate contracting of projects, and work zone safety.

CE Ross reported that all of the FY03 federal funds have been obligated.

CE Ross also mentioned that the Department and Governor's Office received inquiries regarding the Office of Highway Safety sponsoring Boise State University football games. He clarified that ITD is not a sponsor of these games, but has purchased

advertising spots to air public service announcements during the television broadcasting of these games. The Office of Highway Safety is focusing on curbing aggressive driving and believes the public service announcements are an effective way to educate the public on highway safety focus areas. He added that highway safety funds can only be used on specific things and also that purchasing advertisements is an acceptable expenditure.

Member Sweeney commented that the general public does not realize that ITD's funds are restricted to specific uses. He encouraged staff to be aware of this issue and increase efforts to educate the public on the Department, including its funding sources and limitations.

Draft Legislation for 2004. Transportation Planning Administrator Charles Rountree stated that the Division of Financial Management has approved the legislative ideas submitted by ITD. Staff has prepared legislation to proceed with these concepts. The legislation, in priority order, includes amending Idaho Code to implement a section of the federal USA PATRIOT ACT addressing hazardous materials endorsements on commercial drivers licenses, transferring the Motor Carrier Services audit unit to the State Tax Commission, cleaning up several minor driver-related statutes, and providing an administrative remedy to resolve disputes over whether a low bid on a major highway project is responsive due to a defect in the bid.

Vice Chairman Combo made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Governor's Office has requested that state agencies submit

ITB03-50 proposed 2004 legislation to the Division of Financial Management (DFM) for review and approval; and

WHEREAS, the Idaho Transportation Board, at the July 18, 2003 meeting, approved the 2004 "Legislative IDEA Submittal Forms" as to concept and authorized ITD staff to develop draft legislation for review and approval, prior to submission to DFM.

NOW THEREFORE BE IT RESOLVED, that the Board approves submittal to DFM of the 2004 proposed legislation to implement the federal USA

PATRIOT ACT regarding hazardous material endorsements on commercial drivers licenses, transfer the Motor Carrier Services Audit Unit to the State Tax Commission, clean up several minor driver-related statutes, and provide for an administrative remedy to resolve disputes over whether a low bid on a major highway project is responsive.

Revisions to Board Policy B-20-01, Release of Department Information to the Media. As a follow-up to the July Board meeting, Public Affairs Manager Jeff Stratten elaborated on the intent of Board Policy B-20-01, Release of Department Information to the Media. Written press or news releases issued on behalf of the Board generally represent policy statements, policy decisions, or Board actions. Requiring the Director and the Board Chairman to approve the written releases prior to statewide distribution assures consistency and that the releases accurately reflect the Board's intent and action. He emphasized that the policy does not restrict verbal communication with the media.

Member McClure made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Board Policy B-20-01, Release of Department Information to the Media has been reviewed; and

ITB03-51

WHEREAS, staff made a minor change to clarify the intent of the policy.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the revisions to Board Policy B-20-01.

Balancing the Aeronautics Budget for FY04 and FY05. Aeronautics Administrator (AA) Bob Martin reported that the Aeronautics budget is estimated to have a negative balance of \$540,000 by the end of FY05. The cause of the negative position is primarily reduced revenues and increased costs associated with operating and maintaining the King Air. Program adjustments and increased flight rates are necessary to accommodate budget balancing. He outlined several proposals to balance the budget.

After considerable discussion on the Aeronautics' budget and use of the King Air, Member Sweeney made a motion to increase the hourly rate of the King Air from \$508 to \$658 to cover the variable costs. Vice Chairman Combo seconded the motion and it passed 5-1 with Member Blick dissenting.

Chairman Winder asked AA Martin to schedule a meeting, including personnel from the Governor's Office and legislative leaders, to continue exploring the state's aircraft pool. Senator Ingram requested to be included in the meeting and discussions on the air service ITD provides. He suggested reviewing various options such as providing air service on a contract basis or shared costs, and emphasized that safety cannot be compromised.

Chairman Winder thanked Senator Ingram for his comments and for his willingness to assist the Department on this issue. Chairman Winder clarified that the increased rates for the King Air would be effective immediately. There was no objection from the Board.

Member Sweeney expressed support to increase the jet fuel tax. Chairman Winder encouraged him to work with the Aeronautics Advisory Board on that proposal.

TEA-21 Funded Positions in Resource Agencies. Last month the Board tabled a request for a two-year extension to fund a position in the NOAA Fisheries to provide priority on ITD projects requiring review and permits. The Board requested information on the benefits of funding these positions. Environmental Section Manager (ESM) Dennis Clark believes funding positions in the US Army Corps of Engineers, the US Fish and Wildlife Service, and the NOAA Fisheries Services is beneficial. ITD projects have been reviewed in a timelier manner.

Member Sweeney made a motion and seconded by Member Blick to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department has an agreement with the US Army Corps of Engineers

ITB03-52 to fund a position at the Corps to provide priority on ITD projects to assist in and streamline project review and permitting; and

WHEREAS, the agreement has a provision for subsequent extensions, and that the current agreement is due for extension; and

WHEREAS, this agreement has been beneficial to the Department in providing timely review and permitting of ITD projects and has been a valuable asset in development of ITD projects.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the extension of the two-year agreement with the Corps of Engineers in the amount of \$130,000 to \$150,000 (being negotiated) annually, and directs staff to execute the appropriate extension documents.

Member McHugh questioned the cost increase for the agreement. ESM Clark replied that travel costs have increased. Member McHugh asked if ITD evaluates the performance of the employees it funds in the resource agencies. ESM Clark stated that the employees do not work for ITD. The Department only provides funding for the positions. Their respective supervisors at the resource agencies complete the performance evaluations on the employees. In response to Member McHugh's question on whether ITD receives timesheets from the employees to monitor the activities, particularly the time spent on each project, ESM Clark said no. ITD receives quarterly reports showing the positions' activities and which projects they worked on.

Member Sweeney asked if the positions devote 100 percent of their time to ITD. ESM Clark responded that the employees attend training sessions related to their responsibilities and also attend staff meetings at their respective agency. They work exclusively on transportation projects, though.

The motion passed 5-1 with Member McHugh dissenting.

Vice Chairman Combo suggested continuing the discussion on this issue at a future meeting. Director Ekern recommended meeting with the resource agencies to discuss the various issues and concerns expressed and establish a clear direction for these positions.

The November meeting will continue the discussion and, in the interim, the Director and staff will explore with the agencies the issues raised.

Contract Awards. Member Sweeney made a motion to award the contract on NH-STP-4110(110), key #6298 – US-95, Electrical Substation to Smith Creek, Latah and Benewah Counties, District 2, to the low bidder: Scarsella Brothers, Inc., Seattle, Washington - \$11,639,300.15. Member Miller seconded the motion and it passed unopposed.

CE Ross said the low bid on ER-3899(100), key #9068 – Mud Creek Bridge, Norwood Road, Valley County, District 3, was more than ten percent over the engineer's estimate, requiring justification. Mobilization, substructure concrete, and field laboratory rental were the items that most significantly overran the engineer's estimate. In reviewing the bids, it appears the remoteness of the site and the time of year are the principle causes of the higher bids. Construction is expected to start in October and carry into next spring. Winter shutdown and cold weather protections are believed to have contributed to higher bids for mobilization, substructure concrete, and field laboratory rental. Valley County has agreed to cover the additional costs for the project. Staff believes the project is necessary to eliminate a potential hazardous condition that exists on the temporary detour of Norwood Road and recommends awarding the contract.

Member McHugh made a motion to award the contract on key #9068 to the low bidder: Concrete Placing Company, Boise, Idaho - \$258,784.54. Member Blick seconded the motion and it passed unanimously.

The low bid on CM-1800(101), key #8327 – North Front Street to Larch Street, East City Limits, Elk River, Clearwater County, District 2, was more than ten percent over the engineer's estimate, requiring justification. CE Ross said the engineer's estimate was prepared by a consultant. When the District reviewed the estimate, it noted that the Plant Mix item was estimated too low. It did not discover any obvious errors in the remaining engineer's estimate. The Clearwater Highway District recommends awarding this project. Staff does not anticipate that significant savings would be obtained by re-advertising the project and also recommends awarding the contract.

Member McClure made a motion to award the project on key #8327 to the low bidder: Poe Asphalt Paving, Inc., Lewiston, Idaho - \$92,268.49. Member Miller seconded the motion and it passed unopposed.

Chairman Winder left the meeting at this time and Vice Chairman Combo presided.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member Miller made a motion to meet in executive session at 11:45 AM to discuss personnel and legal matters. Member McClure seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on legal issues included updates on pending litigation.

The general tenor of the discussion on the personnel matter included an update on an investigation into alleged employee misconduct.

The Board came out of executive session at 1:00 PM. No decisions were made.

Request for Sign Variance, Flying J Inc., District 3. At the July 2003 Board meeting, John McCreedy, representing Flying J Inc., requested a sign variance for the business's sign located near the I-84 and US-20/26 interchange in Caldwell. Mr. McCreedy thanked the Board for its time and the opportunity to revisit this issue. He believes the illegal sign in question is a unique circumstance and was the result of misinformation from the sign company. The sign has been in place for four years and Mr. McCreedy emphasized the hardship to Flying J if the sign were to be relocated or removed. He added that due to the unique circumstances, he does not believe the Board's allowance of the sign to remain would set a precedent. He also stated that he believes the Board has inherent authority to authorize the sign to remain at its current location. The Board has the authority to review the hearing officer's decision on the case and to listen to an appeal. If the Board has the authority to hear an appeal, he believes it has the authority to grant a variance.

Chairman Winder returned to the meeting at this time.

Although Member Blick expressed support to grant the variance, he emphasized that the Department has to abide by federal regulations. In his research, Mr. McCreedy said he did not find any cases where FHWA withheld funds due to an illegal sign. He believes FHWA would initiate discussions on the situation before it withheld funds. He volunteered to approach FHWA about this illegal sign and work towards a compromise.

Chairman Winder also expressed a desire to work with Flying J, but added that ITD must follow the federal regulations. He believes one option may be to allow the sign to stay at its current location until the planned reconstruction of the interchange has been completed. He questioned the possibility of a special permit or license to allow the sign to remain.

Member Sweeney asked if a zoning change would make the sign legal. DAG Bywater replied that zoning is not an issue and would not affect this situation. In response to Member Blick's question on whether Flying J's ownership of the property that the sign is located on would make a difference, DAG Bywater replied yes. In that situation, the sign would be an on-premise sign and would have to meet set-back requirements and other guidelines.

Vice Chairman Combo stated that the federal statutes need to be considered. In reviewing the sign request and background information, he was not able to find any authority for the Board to allow the sign to remain at its current location.

Vice Chairman Combo made a motion to approve the following resolution:

WHEREAS, the Idaho Transportation Board has heard arguments presented by Flying J Inc. requesting the Board grant

authority to allow its advertising sign to remain at its current location near the I-84 and US/20-26 interchange in Caldwell; and

WHEREAS, the draft findings of facts and conclusions of law have been presented to the Board; and

WHEREAS, the Board and Transportation Department must abide by the federal and state regulations; and

WHEREAS, IDAPA Rule 39.03.60, Rules Governing Outdoor Advertising, is based on Idaho Code, Section 40-312; and

WHEREAS, IDAPA 39.03.60.300.03(h) states in part, “No advertising display subject to this regulation shall be permitted along any interstate or primary freeway highways within the actual interchange as defined as commencing or ending at the beginning or ending of pavement widening at the exit or entrance to the main traveled way of the interstate or primary freeway;” and

WHEREAS, no specific statute cites authority for the Board to vary from the regulations on outdoor advertising signs.

NOW THEREFORE BE IT RESOLVED, that the petition from Flying J Travel Plaza to allow its off-premise advertisement sign adjacent to US-20/26 near the I-84 interchange in Caldwell to remain at its current location be denied.

Member McHugh seconded the motion.

Member Sweeney asked if IDAPA 39.03.60 is based on the federal regulations. DAG Bywater replied that the wording is from an agreement that ITD has with the federal government as a result of the passage of the federal highway beautification act.

Member McClure suggested discussing this issue with FHWA before final action is taken. He would like an opinion from FHWA regarding the sign and the possibility of

federal funds being withheld from the Department. DAG Bywater believes FHWA may be receptive to providing guidance on this issue and believes options may be available.

Member McClure made a substitute motion to direct ITD staff and representatives from Flying J Inc to meet with FHWA officials to discuss the off-premise sign near the I-84 and US-20/26 interchange in Caldwell and determine if an acceptable resolution can be found. Member Sweeney seconded the motion.

By roll call vote, Members McClure, Blick, and Sweeney voted in favor of the motion and Vice Chairman Combo and Members McHugh and Miller opposed. Because Chairman Winder does not believe Flying J intentionally erected an illegal sign and he would like to provide assistance to the company, he voted in the affirmative. Chairman Winder asked that FHWA be approached in a timely manner, that the issue be back on the Board's November meeting agenda, and that a court stay be requested to allow for the parties to continue negotiations.

Urban Congestion on State Highways. Planning Services Manager Gary Sanderson provided an overview on the congestion management system and the thresholds used to determine levels of congestion on urban state highways. The Department measures travel time between strategic points along routes and compares the travel times during heavy congestion and during ideal travel times. The results show locations that are experiencing travel times far above the ideal. This list can be used to determine causes and solutions.

Chairman Winder asked that staff provide a recommendation on the acceptable thresholds. He thanked Mr. Sanderson for the informative presentation.

Recommended FY04-08 and Preliminary Development Highway Development Program. Due to a potential conflict of interest, Chairman Winder excused himself from the discussion on the following matter. At the June workshop, staff was asked to determine the feasibility of programming the proposed I-84, 10 Mile Interchange project in District 3. District Engineer Pamela Lowe said that in addition to the new interchange, I-84 would need to be widened and the Meridian Interchange reconstructed at a total estimated cost of \$56 million. She reported that numerous pavement rehabilitation projects and other projects important to the Department's performance measures would have to be delayed to fund the new projects.

CE Ross emphasized that his number one priority is preserving the existing transportation system. That priority is followed by rehabilitating the system and then enhancing or improving the infrastructure. Although a new interchange is justified at 10 Mile, he is not willing to fund that project at the expense of the Department's priorities. He stated that the state highway system has improved over the years due to the emphasis on preservation of the system.

Member Sweeney questioned the Community Planning Association of Southwest Idaho's (COMPASS) role and whether the proposed interchange would impact the local system. DE Lowe replied that COMPASS is involved in a corridor study of I-84. The local system would need improvements if a new interchange is constructed. Ada County Highway District would be involved in the project and staff would work closely with that agency.

COMPASS Director of Transportation Air Quality Matt Stoll believes the agency will consider this project in October. The interchange is included in the long-range plan, with eventual plans to connect it to SH-16. He added that COMPASS's Transportation Improvement Program (TIP) has to mirror the Statewide Transportation Improvement Program (STIP). If the STIP does not include the 10 Mile Interchange, it cannot be programmed in the TIP.

Member Sweeney questioned the benefits of proceeding with the environmental impact statement (EIS) and acquiring right-of-way at this time. DE Lowe would like to complete an environmental study of the area, from Boise to Caldwell, however, no money has been identified for that study. CE Ross concurred that starting the environmental process would be beneficial, as the project has been identified as a priority. He believes it would be prudent to start the project so that if funding becomes available, possibly in the reauthorization bill, the Department would be in a better position to construct the interchange.

In response to Member McClure's question on whether the EIS could be completed for the 10 Mile Interchange at this time and other portions, east to Boise and west to Caldwell, completed later, DE Lowe believes that may be an option. Member McClure expressed interest in proceeding with the environmental phase. He asked if the City of Meridian would be willing to commit funds for this step. Meridian City Councilmember Tammy deWeerd said that the City of Meridian has not discussed that possibility. The

City is providing \$1.8 million for the I-84, Locust Grove overpass project. She stated that there are numerous other growth issues that the City is addressing and that its funds are limited. Additionally, because ACHD receives taxes for roads, it is difficult for the City to use its tax revenue for roads. Councilmember deWeerd emphasized the importance of this proposed interchange and believes it needs to be constructed to address public safety issues.

Member Blick believes it is important to start on the project so it will be ready if funding becomes available. He made a motion to instruct staff to work with the local public agencies impacted by and supportive of the proposed 10 Mile Interchange to secure funding for the environmental impact study, estimated at \$1 million. Member McHugh seconded the motion and it passed unanimously.

Senator Hal Bunderson expressed support for the motion and for the project; however, he emphasized the importance of long-range planning in the Treasure Valley. Recently, he asked COMPASS to prepare a map of the area that includes future road improvements and potential new routes. He believes more north-south connections are needed, as well as additional river crossings. Also, a bypass south of Boise should be considered. This map would provide a better understanding of the general plan for the area's future transportation system. Senator Bunderson stated that his constituents are concerned about air quality and congestion. He believes it is imperative to plan for the future and address growth. Senator Bunderson also acknowledged the need to preserve the existing system and realizes the Board has difficult decisions to make due to its limited funds.

Chairman Winder thanked Senator Bunderson for his remarks. He also expressed appreciation to Senator Bunderson for the assistance he has provided the Transportation Department in the legislature.

Eric Davis, representative from Eastbourne Investments, stated that Representatives Mike Moyle, Mark Snodgrass, and Shirley McKague also support this project.

Highway Programming Manager (HPM) Dave Amick outlined the funding assumptions for the FY04-08 and Preliminary Development Highway Development Program, including that obligation authority is equal to the estimated apportionments throughout the life of TEA-21. It does not include any projected Revenue Aligned Budget Authority. Based on the assumption that the next transportation act will contain funding levels and

programs similar to those of TEA-21, it is estimated that \$213 million will be available in the FY04 federal highway program. HPM Amick also provided information on the final FY03 Program.

Local Highway Technical Assistance Council Administrator Joe Haynes summarized the STP-Local Rural Program. He also stated that the Local Highway Investment Program starts in FY04 and requests for project applications have been distributed.

Chairman Winder thanked Administrator Haynes for his help and expertise on local projects.

Mr. Stoll thanked the Board for the opportunity to present the STP-Urban Programs. He relayed the metropolitan planning organizations' appreciation to ITD staff for the assistance it provides in developing the TIPs. He believes the STP-Urban Program is a very beneficial Program. It provides a mechanism to meet some of the locals' transportation needs. He encouraged the Board to continue the Program.

Chairman Winder thanked Mr. Stoll for his participation in the STIP process.

HPM Amick and Intermodal Planning Manager (IPM) Patti Raino provided an overview of the remaining Programs.

Member McHugh made a motion, seconded by Member McClure, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

ITB03-53 to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21st Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Division of Highways has recommended new projects and updated the costs and schedules for projects in the FY04-08 and Preliminary Development of the federal portion of the Highway Development Program; and

WHEREAS, the Recommended FY04-08 and Preliminary Development Highway Development Program was developed in accordance with all applicable federal requirements including adequate opportunity for public involvement and comment; and

WHEREAS, the Recommended FY04-08 and Preliminary Development Highway Development Program incorporated public involvement and comment whenever possible while maintaining a fiscally constrained Program; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements.

NOW THEREFORE BE IT RESOLVED, that the Board approves both the Recommended FY04-08 and Preliminary Development Highway Funding Plan and Highway Development Program, which are on file in the office of Highway Programming. The latter includes the FY04 Federal Program Update and also the latest revision of the FY04-07 State Program; and

BE IT FURTHER RESOLVED, that staff is authorized to include approved projects in the FY04-06 STIP in accordance with the provisions of TEA-21.

HPM Amick expressed appreciation to his staff members for their hard work. Chairman Winder acknowledged the support staff and thanked the employees for the improvements that have been made to the Highway Development Program process.

WHEREUPON the meeting recessed at 4:45 PM.

September 19, 2003

The Board met at 8:30 AM on Friday, September 19 at the Transportation Department in Boise. All members were present.

Annual Report on Human Resources. Human Resources Manager (HRM) Mary Harker provided an overview of the Human Resources Services' activities. She highlighted critical organizational success factors, explained the importance of assessing various issues through data analysis, and reported on the cost of employee turnover. Because conflict in the workplace has costs, such as wasted time, loss of skilled employees, and lost work time, an emphasis has been made to address this issue. Training Manager Marcia Aitken elaborated on the training that has been provided to ITD employees and on the organizational development activities.

HRM Harker concluded by presenting the objectives that have been achieved and also those objectives that are still in progress, such as establishing more partnerships with managers, identifying departmental trends through better data analysis, and integrating competencies into all Human Resources programs.

Director Ekern said that the number one issue he heard from employees during his district tours was compensation. This is a big concern, not only to the employees, but to the Department, as it may impact the turnover and workforce. He also reported that staff is contemplating establishing a team to specifically address human resource issues and provide guidance to management.

Chairman Winder thanked Ms. Harker and Ms. Aitken for the annual report.

Annual Report of the Dealer Advisory Board (DAB). Dealer Operations Supervisor Rex Green provided an overview of the DAB. In FY03 it concurred with the Department's recommendations to revoke five dealer licenses. Incoming DAB Chairman Grant Peterson elaborated on the other issues it reviewed during the year: improving the Idaho vehicle dealer licensing requirements; allowing salesmen to keep their salesman license

after being terminated from a sponsoring dealer; and allowing multiple licensed dealerships at a common location. It also continued support to allow dealers to issue and transfer license plates at dealerships when a customer purchases a vehicle.

Chairman Winder thanked Mr. Peterson for the report. He also expressed appreciation to the DAB for its service and assistance to the Department.

FY04 Federal Scenic Byway Discretionary Projects. The Scenic Byways Advisory Committee has reviewed and prioritized the requested scenic byway projects for FY04, according to Senior Transportation Planner Garry Young. The total cost of the nine projects is \$2,186,430; however, ITD is requesting \$1,586,240 in federal funds, while the state and local sponsors will provide the required 20% match. He added that the Scenic Byway funding is available on a nationally competitive basis and \$26.5 million is available in FY04.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board established the Scenic Byways

ITB03-54 Advisory Committee (SBAC) on June 21, 1996; and

WHEREAS, among its purposes the SBAC is to provide advice and recommendations concerning the Scenic Byway Program to the Board; and

WHEREAS, all state and local Scenic Byway grant applications are to be submitted by the Idaho Transportation Department to the Federal Highway Administration for federal Scenic Byway discretionary funding; and

WHEREAS, FY04 Scenic Byway grant applications have been received, reviewed, and prioritized by the SBAC with recommendations to the Board.

NOW THEREFORE BE IT RESOLVED, that the Board approves the application for the following FY04 projects in priority order for federal Scenic Byway discretionary funding totaling \$1,586,240 and, if awarded by FHWA, inclusion by amendment in the final FY04 STIP:

1. Statewide Corridor Management Planning
\$833,000
2. Pioneer Historic Byway Sign Plan Implementation
\$182,000
3. National Scenic Byways Seed Money
75,000 \$
4. Thousand Springs Corridor Management Plan Implementation
\$113,180
5. Canoe Camp Byway Facilities
\$245,210
6. Donnelly Kiosk and Rest Area
65,250 \$
7. Panhandle Historic Rivers Passage Corridor Management Plan
72,600 \$

F04-08 STIP. IPM Raino reported that the development of the FY04-08 STIP has been completed in accordance with federal regulations. The document is a multi-year, multi-modal program depicting planned highway, transit, aeronautics, and highway safety projects. She outlined the cooperative efforts with the state's metropolitan planning organizations to insure that the Metropolitan TIPs were accurately reflected in the STIP. IPM Raino thanked the ITD staff for the teamwork undertaken to prepare the document. She also stated that all of the public review comments received during the review period had been forwarded to the Board earlier.

Member Miller made a motion, seconded by Member McClure, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department is required by 23
U.S.C. 134,

ITB03-55

23 CFR, Part 450 and 49 CFR, Part 613 to develop a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the program contains a list of priority transportation projects to be carried out for the first three years of the STIP and is in conformance with the first three years of each Metropolitan Planning Organization's Metropolitan Transportation Improvement Program; and

WHEREAS, the STIP is consistent with the Department's *Idaho Transportation Plan*; and

WHEREAS, the STIP in nonattainment and maintenance areas contains only transportation projects found to conform or from programs that conform to the requirements contained in 40 CFR Parts 51 and 93; and

WHEREAS, the STIP is financially constrained by year and includes sufficient financial information to demonstrate which projects are to be implemented using current revenues and which projects are to be implemented using proposed revenue sources while the transportation system as a whole is being adequately operated and maintained; and

WHEREAS, the STIP contains all capital and non-capital transportation projects proposed for funding under the Federal Transit Act; and

WHEREAS, the STIP contains all regionally significant projects requiring an action by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA); and

WHEREAS, the STIP contains sufficient descriptive material to identify the project or phase, estimated costs, amount of federal funds proposed to be obligated during each program year, proposed category of federal funds and source(s) of nonfederal funds for the first year and likely categories

and sources for the second and third years, and identification of the agencies responsible for carrying out the projects; and

WHEREAS, the STIP in the first year, includes only those projects that have been selected in accordance with federal project selection requirements for non-metropolitan areas; and

WHEREAS, the STIP contains modal projects in aeronautics, bicycle/pedestrian, highways, public transportation, and rail as well as highway safety; and

WHEREAS, the STIP was developed in accordance with all applicable federal requirements, including adequate opportunity for public involvement and comment.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the FY04-08 STIP, which is on file in the Division of Transportation Planning, with any changes approved at the September 18-19, 2003 meeting to be included in the recommended STIP; and

BE IT FURTHER RESOLVED, that the Board approves the transmittal of the recommended FY04-08 STIP to FHWA and FTA for their review and approval.

Executive Session on Personnel Issues, Section 67-2345(1)(b), Idaho Code. Vice Chairman Combo made a motion to meet in executive session following the employee service awards to discuss a personnel matter. Member Sweeney seconded the motion and it passed 6-0 by individual roll call vote.

Employee Service Awards. The Board members participated in the Employee Service Awards. Member McClure provided comments from the Board.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member McClure made a motion to meet in executive session at 11:30 AM to also discuss legal matters. Member McHugh seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on the legal issue included an update on pending litigation.

The general tenor of the discussion on the personnel matter included an employee evaluation.

The Board came out of executive session at 12:10 PM. No decisions were made.

WHEREUPON, the Transportation Board's regular monthly meeting adjourned at 12:10 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

October 10, 2003

Pocatello, Idaho

REGULAR MEETING AND DISTRICT SIX TOUR

OF THE IDAHO TRANSPORTATION BOARD

August 21-22, 2003

The Idaho Transportation Board met at 9:30 AM, on Thursday, August 21, 2003, in West Yellowstone, Montana. The following principals were present:

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Vice Chairman Combo presided. Representatives JoAn Wood and Joe Cannon, Colleen Erickson with U.S. Representative Mike Simpson's Idaho Falls office, Aeronautics Advisory Board Chairman Rodger Sorensen, and Division of Financial Management Budget Analyst David Hahn were also present.

Meeting with Yellowstone National Park Representative. Jim Evanoff with Yellowstone National Park provided a history of the park. Transportation in the park continues to be a concern. Alternative fuels and mass transportation are being explored. A new shuttle bus that uses alternative fuels will be unveiled next week. He also said that the park is working with universities to develop clean snow mobiles. In conclusion, Mr. Evanoff said the park has a close relationship with the Idaho National Engineering and Environmental Laboratory and the two groups work cooperatively on a number of issues.

Vice Chairman Combo thanked Mr. Evanoff for the informative presentation.

The Board departed West Yellowstone via US-20 west. It traveled west on Sawtell Road to the Federal Aviation Administration radar facility. Gary Gannon, Harry Gardner, and Steve Whipple provided information on the site, which feeds information to the Salt Lake City airport.

The tour continued east on Sawtell Road and west on US-20. After a brief stop at the recently-completed Osborne Bridge project, the Board continued on US-20 to the Ashton Bridge. Staff briefed the Board on the construction activities underway to replace the bridge before the group continued on US-20 to the District 6 Office in Rigby. The Board visited informally with employees before continuing west on US-20 and local roads to the proposed site of the I-15, Sunnyside Interchange project in Idaho Falls. District Engineer (DE) Tom Cole provided an overview on the interchange project.

WHEREUPON the tour of District 6 recessed at 5:35 PM.

August 22, 2003

The Board met at 8:30 AM on Friday, August 22 at the City Electric Building, Idaho Falls, Idaho. The members in attendance on August 21 plus Member Gary Blick were present. Vice Chairman Combo presided.

July 17-18, 2003 Board Minutes. Member McHugh made a motion to approve the minutes of the regular Board meeting held on July 17-18, 2003 as submitted. Member Blick seconded the motion and it passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

September 18-19, 2003 – Boise

October 9-10, 2003 – District 5

November 20-21, 2003 - Boise

Consent Calendar. Member McClure made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-42 approves the annual account write-off; revisions to Board Policy B-01-12, Purchase of State Property by Department Personnel; revisions to B-11-05, Congestion Mitigation/Air Quality Program; the 2003-2004 winter maintenance standards; a supplemental agreement, I-86, Chubbuck Interchange to Pocatello Creek Interchange, District 5; and the addition of a project to the State Railroad Safety Program, District 6; and has received and reviewed the contract award information; the new and supplemental professional agreements report; speed minute entry changes for May-July, 2003; the annual report of Motor Carrier Services Audit Unit; and the FY03 out-of-state travel annual report.

1) Annual Account Write Off. Department policy requires that all uncollectible accounts exceeding \$1,000 be reviewed and approved for write off by the Board. The Director or his designee reviews and approves write offs on accounts less than \$1,000. The outstanding receivables are more than three years delinquent and are the result of unpaid weight distance taxes, commercial carrier registration fees, department-assessed reinstatement fees, and other miscellaneous fees. Customers are not allowed to do business with ITD until their deficiencies are paid. In FY03, the Administrator of the Division of Administrative Services approved the write-off of 133 accounts totaling \$28,156.77, and staff requested Board approval to write off 23 accounts totaling \$137,492.73.

2) Revisions to Board Policy B-01-12, Purchase of State Property by Department Personnel. This policy was last updated in 1994 and has been reviewed. Minor revisions were made for clarity.

3) Revisions to Board Policy B-11-05, Congestion Mitigation/Air Quality (CMAQ) Program. Since the establishment of the CMAQ Program in 1991, the Board's policy has been to use remaining CMAQ apportionments, which are not used to fund air quality projects, as Surface Transportation Program (STP) funds. Moving unused CMAQ apportionments to the Federal STP-State Program is done each year in the Final Recommended Federal Highway Funding Plan approved by the Board in September. When B-11-05 was revised in 1999, the language to move unused CMAQ funds to the STP Program was inadvertently omitted. Staff requested revisions to B-11-05 to reinstate that language.

4) 2003-2004 Winter Maintenance Standards. Staff has reviewed the levels of winter maintenance for the 2003-2004 winter. District 4 recommended changing the level of service (LOS) from level 3 to level 2 on the section of US-20 from the Junction of SH-75 to the Junction of US-93 at Carey. This change is recommended due to the traffic volume on this route and for continuity of LOS along the route.

5) Supplemental Agreement Request, I-86, Chubuck Interchange to Pocatello Creek Interchange, Key #7829, District 5. This project is scheduled for construction in FY05 at \$10.4 million. To address Section 106 and 4(f) issues, staff is requesting a supplemental agreement to redesign the I-86 bridge structures. The consultant would obtain additional foundation borings at the new abutment locations, redesign the structures, investigate additional right-of-way, amend the archaeological and categorical exclusion reports, revise the 106 and 4(f) portions of the categorical exclusion report, and design pipe and

minor structures for the canal. The cost of these additional services would be \$230,000, increasing the contract to a total of \$1,833,000, or approximately 12% of the construction cost.

6) Addition of Project to the State Railroad Safety Program, District 6. Staff requested the addition of Jameston Road in Idaho Falls to the State Railroad Safety Program. The project would upgrade the track circuitry from AC-DC/AFO to Constant Warning Time. This will reduce delays to the traveling public due to changes in railroad operation involving switching operations near the crossing. This crossing ranks 5th on the signal upgrade priority list and 78th on the statewide priority list. The estimated cost of the project is \$100,000 for materials. The railroad company will pay for the cost of installation.

7) Contract Award Information. Key #8251 and #8250 – US-30, East Five Points to Eastland Drive, and SH-74, Old Towne Bridge to 2nd Avenue North, District 4. Low bidder: Idaho Sand & Gravel Company, Inc. - \$559,732.

Key #8274 – I-15B, Oak to Cedar, Pocatello, District 5. Low bidder: Beco Construction Company, Inc. - \$1,731,382.

Key #8565 – SH-45, Roosevelt Avenue to Junction I-84 B, Nampa, District 3. Low bidder: Masco Inc. - \$354,536.

Key #8391 – I-90, Sherman Avenue to Wolf Lodge, District 1. Low bidder: Interstate Concrete & Asphalt Company - \$2,629,234.

Key #8241 – SH-55, Milepost 89 Valley County, District 3. Low bidder: Roberson Construction, Inc. - \$319,868.

Key #7730 – US-30, Banks Valley Road to Pegram Road, District 5. Low bidder – Marcon Inc. - \$450,456.

Key #7812 – US-93, Arco City Streets, East, District 6. Low bidder: Western Construction, Inc. - \$1,134,057.

Key #8573 – FY03 District 3 Region 3 Seal Coats. Low bidder: Snake River Construction, Inc. - \$645,279.

Key #8255 – SH-25 and SH-50, Junction I-84 On/Off Ramp to Junction SH-25, District 4. Low bidder: Western Construction, Inc. - \$509,175.

Key #8388 – I-90, Blue Creek Bay Bridges, District 1. Low bidder: Cannon Builders Inc. - \$2,284,747.

Key #7838 - US-91, Blackfoot Canal Bridge, District 5. Low bidder: Cannon Builders Inc. – \$380,032.

Key #8357 – US-12, Milepost 39.71 to Orofino Airport, District 2. Low bidder: Poe Asphalt Paving, Inc. - \$1,190,773.

Key #8559 – SH-97, Harrison to Arrow Road Stage 1, District 1. Low bidder: Poe Asphalt Paving, Inc. – \$1,360,959.

Key #8668 – US-20, New York Canal Bridge, Boise, District 3. Low bidder: Cannon Builders Inc. - \$816,598.

Key #7183 – US-20B, Holmes Avenue/Anderson Street to Iona Road, Idaho Falls, District 6. Low bidder: H K Contractors Inc. - \$2,521,011.

The low bid on key #7905 – SH-8, Joel Overpass Structure Removal, District 2, was more than ten percent over the engineer's estimate. Staff rejected the bids.

8) New and Supplemental Professional Agreements Report. From July 1 to August 1, the Consultant Administration Unit processed \$2,621,397 in professional, supplemental, and term agreements.

9) Speed Minute Entry Changes. Based on a speed study, District 1 staff increased the speed limit on US-95 from milepost (MP) 382.75 to MP 383.00 from 45 miles per hour (MPH) to 60 MPH. In District 4, the speed limit on US-30 was decreased from 60 to 40 MPH from MP 172.604 to 172.800 based on a speed study. Via city ordinance, the speed limit on SH-25 from MP 45.312 to 45.630 in the City of Paul was reduced from 55 to 45 MPH. District 5 decreased the speed limit on SH-36 from MP 121.17 to 121.37 and from 121.90 to 122.10 from 65 MPH to 55 based on speed studies. Also on SH-36, from MP 121.37 to 121.90, the City of Weston reduced the speed limit from 45 to 40 MPH by an ordinance.

10) Annual Report of the Motor Carrier Services Audit Unit. Under the International Registration Plan, the Motor Carrier Services Audit Unit audited 387 applications, assessing net fees of \$80,405 for Idaho and \$10,046 for other jurisdictions. The primary reasons for assessments included using the wrong base reporting period, non-maintenance of records to support their applications, mathematic errors, and failure to distribute miles appropriately between jurisdictions. Idaho carriers traveling intrastate register by declaring the miles traveled for each vehicle. The Audit Unit audited 756 applications, assessing net fees, penalties, and interest of \$95,497. The reasons for assessments included using the wrong base reporting period, mathematical errors, and failure to declare total miles.

Educating the carriers on the importance of keeping records to justify their yearly mileage declaration continues to be a focus area. In FY03 four Audit Unit employees moved to the State Tax Commission in an effort to consolidate the audit functions and activities. This will be a convenience to the carrier and will provide consistency between programs. Although the four employees are still employees of ITD, legislation will be introduced in 2004 to permanently combine the two units and transfer those positions to the State Tax Commission.

11) FY03 Out-of-State Travel Annual Report. In FY03, approximately 267 out-of-state trips were taken at an estimated cost of \$178,098. Direct reimbursement trips are not included. A total of \$269,969 was budgeted for out-of-state travel.

Transportation Equity Act for the 21st Century (TEA-21) Funded Positions – U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service. Funding of positions in resource agencies was authorized in TEA-21. Each of the agreements between ITD and these agencies has a clause limiting the duration of and requiring an extension of the agreement with concurrence of both agencies. The NOAA Fisheries agreement expires this year. Staff requested extending the agreement two years. It believes this position has added value through assisting ITD in obtaining environmental clearance more quickly on projects involving the species NOAA has responsibility for.

Member McHugh asked for the dollar amount of the agreement. CE Ross replied \$125,000. Member McHugh questioned the value of funding these positions. Member McClure expressed concern that the Department is paying for positions, yet has no control or oversight on those employees. Member Blick asked if the time frame for completing projects has been expedited since the Department began funding positions in the three resource agencies. CE Ross did not have a comparison on those time frames.

The Board deferred this item one month. It asked that the employees who administer the program and work with these positions, particularly the Districts, provide information on how the program is working and whether ITD is receiving benefits by funding these positions.

AMBER Alert Grant. Assistant Chief Engineer – Operations (ACE-O) Greg Laragan said FHWA made grants available for the AMBER (America's Missing: Broadcast Emergency Response) Alert plan program support. ITD received a grant in the amount of \$125,000, with a 25% match of \$31,250 for a total project cost of \$156,250, for planning, coordinating, and communication necessary to issue AMBER Alerts. State salaries would be used to provide the match. Per direction from the Governor, Idaho State Police (ISP) has begun developing an AMBER Alert response plan that involves local radio and television broadcasters and the statewide Emergency Alert System operated by Idaho Health and Welfare. The grant will be used to develop communication procedures for posting alerts, and the central control software and hardware for rapidly generating and posting AMBER Alert messages on dynamic message signs and on highway advisory radios. ITD and the Department of Health and Welfare have an

ongoing Memorandum of Understanding for providing communication services statewide. AMBER Alerts will be included in the list of services covered.

Member McHugh asked if the AMBER Alert is new to Idaho. ACE-O Laragan replied that ISP has been involved in the program, but this is the first time ITD is participating in it.

Member McHugh made a motion for staff to proceed with planning, coordinating, and communication activities to support the AMBER Alert response plan. Member McClure seconded the motion and it passed unopposed.

CMAQ Program Un-obligated Balance. Controller Dave Tolman said ITD receives approximately \$9 million in the CMAQ Program annually under TEA-21. Because Idaho does not have a classified area of non-attainment for ozone nor for carbon monoxide, the funds may be used for air quality related projects or for any projects eligible under the Surface Transportation Program. The Board questioned an earlier report showing an un-obligated balance of \$24.6 million, out of a total cumulative apportionment of \$62.1 million, in the CMAQ Program. Due to obligation authority, money is carried over each year and retained in each funding category, of which CMAQ is only one, according to Mr. Tolman. The carryover is cumulative and builds each year. States can use the obligation authority against any of the funding categories to best meet the needs of their programs. Because obligation authority has always been less than apportionment, and the difference is continually building, there will be funding categories that will have larger balances than others because ITD must use various fund categories to meet its program needs.

Board Items. Vice Chairman Combo said he attended the Custer/Lemhi Transportation Committee meeting recently. A deck rehabilitation project is scheduled in FY06 for the US-93, Salmon River Bridge. The City of Salmon is concerned that a project would temporarily close the bridge, causing a hardship to the community. Vice Chairman Combo asked staff to be sensitive to the City of Salmon's concerns when designing and constructing the project.

Presentation – Idaho National Engineering and Environmental Laboratory (INEEL). Marty Sorensen, Industrial and Material Technologies Department Manager, provided a

brief overview on some of the activities occurring at INEEL. Some of the focus areas are alternative fuels and improving the efficiency of transportation.

Dean Harding, advisory engineer in the Materials and Applied Technologies Department, summarized the Idaho Materials Test Highway project. INEEL, ITD, the National Institute for Advanced Transportation Technology, and AMI Semiconductor are partnering on this proposed project that would include a small test highway at the INEEL site to test asphalts, concrete, and other highway materials. The coalition is seeking funds in the re-authorization of TEA-21 for the project. Other activities underway at INEEL are hydrogen technologies research and intelligent transportation system projects, including a Global Positioning System tower at the site.

CE Ross expressed support for the materials test highway project; however, he believes it is important to secure funding in the re-authorization of TEA-21 for the project. He also expressed appreciation for the partnership that has been established with INEEL.

Vice Chairman Combo thanked Messrs. Sorensen and Harding for the information.

District 6 Adopt-A-Highway Award. Vice Chairman Combo recognized Don and Tordi Combs for their outstanding efforts in the Adopt-A-Highway Program. Mr. and Mrs. Combs received a plaque and license plate clock in honor of their service to ITD and the state. Mr. Combs said the Adopt-A-Highway program is a good program, and it is their pleasure to participate in the program.

Chief Engineer's Items. CE Ross provided an overview on the FY03 Congressional earmarked projects Idaho received. The FHWA allocation with obligation authority totals \$9.9 million for the City of Rocks Back Country Byway, Stage 2; US-95, Worley to Mica, Stage 2; US-95, Milepost 536 to the Idaho/Canada Border, Stage 2; Scenic Byways Signing; and Idaho Commercial Vehicle Information Systems and Networks, Level 1. Idaho also received \$8 million in earmarked funds for the Snake River Crossing Environmental Impact Statement (EIS) project near Twin Falls, Transponder Landing Systems for the Idaho Falls and Sandpoint Airports, and the Idaho Transit Coalition.

CE Ross reported that the State Historic Preservation Office (SHPO) has made a change to its policy regarding the evaluation of historic agricultural irrigation resources. SHPO will only require recordation and evaluation of canals, primary laterals that divert directly off of the canals, and regulated drainage systems for Section 106 compliance. ITD will no longer be required to record and evaluate resources below that level. CE Ross said this should help simplify and streamline the 106 process.

CE Ross discussed matching options for the Snake River Crossing EIS with FHWA. The recommendation is for a tapered match reimbursement. This would provide more time for the locals to secure their match. He said that the local public agencies would need to provide letters of commitment to provide the match for the EIS. Once ITD has secured those letters of support, it can obligate the funds.

Earlier this week, CE Ross attended an American Association of State Highway and Transportation Officials meeting in Montana. He reported on discussions regarding the re-authorization of TEA-21. Because it is doubtful that a new act will be approved by October 1, a one- or two-year reauthorization bill is possible.

Approval of 2004-2006 Goals and FFY04 Highway Safety Plan. CE Ross presented the federal FY04 Highway Safety Plan, as recommended by staff and the Idaho Traffic Safety Commission. The planned budget is \$3,738,450.

Member McClure made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Transportation Equity Act for the 21st Century provides that each

ITB03-43 state shall have a highway safety program designed to reduce traffic crashes, deaths, and property damage; and

WHEREAS, the Idaho Transportation Department's Office of Highway Safety is the state's highway safety agency in accordance with 23 USC, Title 1, Section 402(b)(11)(A); and

WHEREAS, a Highway Safety Plan was prepared in accordance with guidelines promulgated under 23 CFR, Section 1204.4, Supplement B; and

WHEREAS, on November 14, 2002, the Idaho Traffic Safety Commission recommended a three-year plan for 2004-2006; and

WHEREAS, a spending plan for FFY04 has been developed which conforms to the administrative and programmatic requirements of 23 USC 402, 410, 411, 157, 163, and 2003(b); and

WHEREAS, the Idaho Traffic Safety Commission recommended approval for the FFY04 spending plan on June 17, 2003.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the plan for 2004-2006, which is on file in the Office of Highway Safety, and directs staff to submit the FFY04 spending plan to the Federal Highway Administration and to the National Highway Traffic Safety Administration for approval to implement projects beginning on October 1, 2003; and

BE IT FURTHER RESOLVED, that the Board directs staff to implement Idaho's Highway Safety Grant Program for FFY04 once federal approval has been received.

US-26 Corridor Plan, District 6. Lance Holmstrom, District 6 Senior Transportation Planner, presented the US-26 Corridor Plan. The Plan was completed in accordance with Board and Administrative Policies B- and A-09-04, Corridor Planning for Idaho Transportation Systems, and the Idaho Corridor Planning Guidebook. Mr. Holmstrom reported that the process included significant public involvement and collaboration with affected jurisdictions. Local jurisdictions will be encouraged to incorporate the findings of the Plan into their own comprehensive plans where applicable. He stated that the purpose of the US-26 Corridor Plan is to identify alternatives that provide for a safe and efficient transportation system; to preserve and protect the environment; to improve the

interrelationship between land use and transportation; and to provide a framework for future project selection.

Member Blick made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board has adopted policies setting out the

ITB03-44 process by which corridor planning shall be undertaken by the Idaho Transportation Department; and

WHEREAS, the public, local public agencies, and FHWA have been active participants in the US-26 corridor planning process; and

WHEREAS, the US-26 Corridor accident rate is higher than the statewide average, and congestion is predicted to create an unacceptable level of service within the 20-year planning horizon; and

WHEREAS, land-use development and population growth are expected to significantly increase over the 20-year planning horizon; and

WHEREAS, the US-26 Corridor Plan identifies alternatives that provide for a safe and efficient transportation system; preserves and protects the environment; improves the interrelationship between land use and transportation; and provides a framework for future project selection.

NOW THEREFORE BE IT RESOLVED, that the Board adopts the US-26 Corridor Plan, accepts the plan as the primary basis for programming improvements on US-26 over the next 20 years, and recommends that the plan be updated every five years or as needed to assure that the document meets current needs; and

BE IT FURTHER RESOLVED, that staff is encouraged to work with local public agencies to implement the US-26 Corridor Plan through coordination and joint agreements as appropriate.

SH-33 Corridor Plan, District 6. Mr. Holmstrom reported that the same process used for the US-26 Corridor Plan, adhering to established policies and guidelines and involvement from the public and local public agencies, was used in developing the SH-33 Corridor Plan. The purpose of the Plan is to provide for a safe and efficient transportation facility, incorporating multi-modal opportunities as needed to meet personal and commercial needs for local residents and visitors to the region. He reported that the most significant conclusion of the Plan was that the segment of SH-33 between Driggs and Victor would become congested over the 20-year planning period. However, acceptable levels of service can be achieved through the construction of full intersection improvements at major county roads, rather than the construction of a four- or five-lane highway.

Member Blick made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board has adopted policies setting out the

ITB03-45 process by which corridor planning shall be undertaken by the Idaho Transportation Department; and

WHEREAS, the public, local public agencies, and FHWA have been active participants in the SH-33 corridor planning process; and

WHEREAS, the SH-33 Corridor is predicted to reach an unacceptable level of service within the 20-year planning horizon; and

WHEREAS, land-use development and population growth are expected to significantly increase over the 20-year planning horizon; and

WHEREAS, the SH-33 Corridor Plan identifies improvements that provide for a safe and efficient transportation facility, incorporating multi-modal opportunities to meet personal and commercial needs for local residents and visitors.

NOW THEREFORE BE IT RESOLVED, that the Board adopts the SH-33 Corridor Plan, accepts the plan as the primary basis for programming improvements on SH-33 over the next 20 years, and recommends that the plan be updated every five years or as needed to assure that the document meets current needs; and

BE IT FURTHER RESOLVED, that staff is encouraged to work with local public agencies to implement the SH-33 Corridor Plan through coordination and joint agreements as appropriate.

Request for Financial Assistance from the City of Ucon, District 6. The US-20, St. Leon Interchange and Hitt Road Interchange projects are programmed in FY03 at a combined construction cost of \$15 million. DE Cole said these projects will replace the at-grade intersections with grade separation structures to improve traffic operation of US-20 and increase safety. Existing City of Ucon utility facilities are located along US-20 within the highway right-of-way that will be under the proposed roads and grade separation structures. The existing utility facilities will need to be relocated because they will conflict with the footings of the structures, construction of roads and roadway embankments over existing pipe locations will make the pipe inaccessible for maintenance or replacement, and casing of the existing high pressure pipe under the roadway is recommended in accordance with ITD's "A Policy for the Accommodation of Utilities within the Right-of-Way of the State Highway System in the State of Idaho."

Relocation of these existing utility facilities needs to be completed either prior to or during the early portion of the roadway construction to prevent construction delay of these projects. Advertisement for bids and award of a construction contract for these projects is anticipated to occur late this year with construction to start in the spring of 2004. Although District 6 worked with the City of Ucon regarding the relocation of the pressurized sanitary sewer line by modifying design elements of these projects to lessen the impacts to the line, approximately 4,400 feet of line will need to be relocated at the City's expense.

DE Cole said a utility hearing was held on July 8, 2003. The City of Ucon presented oral and written testimony in support of the interchange projects and understands that the expenses to relocate the city utility facilities of the pressurized sanitary sewer line are its responsibility. However, the City's finances are such that it would be unable to accomplish the relocation within the project timeframe. The City of Ucon is requesting the Board grant funds for the reimbursement of relocation costs for utility facilities in excess of \$33,000, or approximately \$14,000. Staff recommends Board approval to provide assistance to the City of Ucon for the relocation of its utility facilities due to the importance and urgency of the US-20, St. Leon and Hitt Road Interchange projects and the City's limited financial resources.

Member McClure expressed support to provide funding assistance to the City; however, he would like a cap on the amount ITD provides. He suggested providing up to \$25,000. Member McHugh asked if this would set a precedent. CE Ross does not believe this will set a precedent. He believes each case will have to be considered, as there are a number of variables, and the Board has flexibility in these situations.

Member Miller made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the project named US-20, St. Leon Interchange, project #DHP-NH-

ITB03-46 6470(106), key #6490 and the project named US-20, Hitt Road Interchange, project #DHP-NH-STP-6470(107), key #6495, are of significance to the improvement of safe traffic operations along US-20 that will reduce traffic accident deaths and injuries at these at-grade intersections with US-20; and

WHEREAS, these projects have been approved by the Idaho Transportation Board and Federal Highway Administration in the Statewide Transportation Improvement Program with a programmed construction year of FY03; and

WHEREAS, these projects will require the relocation of utility facilities owned by the City of Ucon of a pressurized sanitary sewer line located within the highway right-of-way; and

WHEREAS, the City of Ucon requested an Utility Hearing pursuant to Idaho Code 40-312(3), which was held on July 8, 2003, at ITD's District 6 office in Rigby, Idaho, where the City presented oral and written testimony in support of these projects, recognized its obligation to relocate utility facilities of a pressurized sanitary sewer line located within the highway right-of-way, and that a portion of the cost is at its expense, but that it does not have adequate funds to perform this work without considerable delay to the start of construction for these projects; and

WHEREAS, the City of Ucon does request financial assistance, estimated at \$14,000 from the Idaho Transportation Board for reimbursement of relocation expenses for utility facilities of a pressurized sanitary sewer line located within the highway right-of-way that are in excess of \$33,000; and

WHEREAS, Subsection 645.103(d) of Title 23 of the Code of Federal Regulations specifies that federal-aid participation for utility facility relocation be governed by state law; and

WHEREAS, the Board is allocated the power to order the relocation of utility facilities located within the limits of a federal-aid project by Idaho Code 40-312(3) and while Idaho Code stipulates the owner is responsible for the cost of relocating utility facilities located within the public right-of-way; and

WHEREAS, Board Policy B-19-01 authorizes the Director to develop guidelines to ensure that construction costs associated with state highway projects in cities be equitably distributed between the Department and the local highway jurisdiction. In addition, Administrative Policy A-19-01 states utility costs for state initiated projects will be apportioned with regard to remaining life of existing utility components; and

WHEREAS, staff has calculated that delaying construction of these projects will annually cost the general public an estimated \$1.4 million in traffic accident costs alone besides delaying other project benefits.

NOW THEREFORE BE IT RESOLVED, that the Board does determine that it is in the public interest to not have the start of construction of these projects delayed and grants authority to expend state funds for reimbursement of relocation expenses for City of Ucon owned utility facilities located within the highway right-of-way that are in excess of \$33,000, but not to exceed \$25,000; and

BE IT FURTHER RESOLVED, that the Board directs staff to prepare an utility agreement with the City of Ucon for these projects by which the Department will reimburse the City of Ucon for relocation expenses for city-owned utility facilities located within the highway right-of-way that are in excess of \$33,000, but not to exceed \$25,000, based upon supporting documentation to substantiate reimbursed expenses, with the City to perform any future relocation of city-owned utility facilities located within a public right-of-way at City expense, and other terms as deemed necessary by staff that are not in conflict with state or federal laws or policies.

I-15, Sunnyside Interchange Update, District 6. DE Cole provided an overview of the I-15, Sunnyside Interchange project, scheduled for construction in FY04 in the draft STIP. He elaborated on the access concerns, as real estate developers have been buying land and planning future developments within the interchange corridor. A traffic impact study has been completed and negotiations are continuing with the developer on mitigation issues.

CE Ross believes the District has done a commendable job working with the parties involved to address their concerns and resolve the issues.

FY03 Adjustments to the Formula Federal Highway Program Based on Readiness and Available Funding. Highway Programming Manager Dave Amick provided a summary of FY03 formula federal highway program adjustments, anticipated project removals and delays, anticipated cost increases and decreases, and a list of prioritized projects for advancing if additional funds are received through redistribution of federal formula obligation authority. ITD requested \$18.4 million in redistribution of obligation authority. He also reported that the Department has been billing FHWA for indirect overhead costs on federal projects on the state highway system since July 1. This will

enable more construction projects to be done with state funds. Staff has transferred \$39.6 million in federal project funding to FY03 of the State-Funded Program.

Member McClure made a motion, seconded by Member Miller, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

ITB03-47 accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available highway funding; and

WHEREAS, the Transportation Equity Act for the 21st Century (TEA-21) of 1998 requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, as of July 11, 2003, there is a highway program funding balance in FY03 of \$27.3 million; and

WHEREAS, projects have been identified that will delay or be removed from FY03 totaling \$23.2 million; and

WHEREAS, federal projects have been identified that will require cost increases or provide cost decreases for a net total of \$26.3 million; and

WHEREAS, a list of prioritized projects has been identified that can advance to FY03 of the current STIP; and

WHEREAS, the result of these proposed delays, cost increases and decreases, and advances will fully utilize the FY03 federal highway formula funding obligation authority of \$167.59 million and the Minimum Guarantee funding of \$25.72 million (including Exempt Minimum Guarantee); and

WHEREAS, the Department has requested \$18.4 million in additional federal formula FY03 obligation authority from other states.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes staff to advance projects from the list entitled, “FY03 Federal Highway Program Prioritized Project Advances and Projects Requested for August 4, 2003 Redistribution of Federal Formula Obligation Authority”, as shown as Exhibit 280, which is made a part hereof with like effect, in priority order as funding becomes available and projects are made ready for obligation; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate changes to the FY03-07 STIP in accordance with the provisions of TEA-21.

Contract Awards. CE Ross said the low bid on project ST-3110(636), key #8566 – US-95, Weiser Spur, Washington County, District 3, was more than ten percent over the engineer’s estimate, requiring justification. The major difference between the engineer’s estimate and the low bid is Plantmix Pavement Including Asphalt & Additives – Class II. Staff believes the higher bid price for this item is due to the rising costs of oil. Based upon review of the bids and the District’s desire to complete the project at this time, it recommends awarding the project.

Member McClure made a motion to award the contract on key #8566 to the low bidder: Idaho Sand & Gravel Company Inc., Nampa, Idaho - \$652,831.50. Member Sweeney seconded the motion and it passed unopposed.

The low bid on project IM-90-(198)12, key #7127 – Government Way Underpass, Coeur d’Alene, Kootenai County, District 1, was more than ten percent over the engineer’s estimate, requiring justification. CE Ross said the major differences between the engineer’s estimate, which was based on the Average Unit Price Report, and the low bidder were in Removal of Bridge, Combination Ped/Bicycle Rail, Sign Type C, MSE Retaining Wall, Bridge Temporary Shoring, and Mobilization. Staff believes those items were underestimated. Temporary shoring and bridge removal differ significantly depending on elements. Staff reviewed the bids and does not see a benefit in re-advertising the project, so recommends awarding the bid.

Member Sweeney made a motion to award the contract on key #7127 to the low bidder: Morgen & Oswood Construction Company Inc., Great Falls, Montana - \$2,246,731.78. Member Miller seconded the motion.

Member McHugh expressed concern with the Department’s estimates, particularly on the mobilization items. CE Ross responded that contractors often include other items in mobilization, so that item is more difficult for staff to estimate. He added that mobilization work on interstate projects is more difficult, therefore harder to prepare estimates for.

The motion passed unanimously.

CE Ross said the low bid on project STP-3270(155), key #8525, SH-55, Gold Fork Canal Bridge, Valley County, District 3, was more than ten percent over the engineer’s estimate, requiring justification. The major difference between the engineer’s estimate and the low bid is in Traffic Control Maintenance, Field Laboratory, and Temporary Shoring. Staff believes the man hour figure for traffic control maintenance was underestimated in the engineer’s estimate, and that the unit prices used for the field laboratory item and temporary shoring need to be adjusted due to increased bid prices by contractors in general. Staff would like to complete the project soon to avoid impacts to the 2004 Winter Carnival in McCall, and recommends awarding the bid.

Member Sweeney made a motion to award the bid on key #8525 to the low bidder: Christiansen Construction Company, Twin Falls, Idaho - \$271,415.46. Member McClure seconded the motion and it passed unanimously.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(b) and (f), Idaho Code. Member Miller made a motion to meet in executive session at 11:55 AM to discuss personnel and legal matters. Member McHugh seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on the personnel matter included a report on an investigation into alleged employee misconduct.

The general tenor of the discussion on legal issues included updates on pending and probable litigation.

The Board came out of executive session at 1:05 PM. No decisions were made.

FY03 Financial Statement Analysis. Controller Tolman provided a summary of the Department's FY03 financial statement. Overall revenues increased 8.2% from FY02, for a year-to-date actual collection of \$406,755,035. This was a result of increased federal aid of \$30.6 million or 17% and an increase in local match of \$4.3 million. Miscellaneous revenue decreased, due in part to lower than anticipated sale of road equipment, and transfers from the Highway Distribution Account were down \$2.5 million or 1.5% from FY02. Year-to-date expenditures for FY03 totaled \$401,488,506.

Mr. Tolman reported that aviation fuel tax revenue through the end of June was 8.9% or \$147,000 below original projections. Miscellaneous revenue was above projections by \$27,600. Federal revenue of \$163,000 was less than projected, however, the Division of Aeronautics has \$259,000 that was not billed to the FAA in FY03 and will be in FY04. Expenditures are below forecast by \$1.5 million, or 42%, of which a majority is due to Trustee and Benefit payments not yet paid.

The aircraft pool revenue was 4.5% or \$6,700 below projections for the month of June. Excluding receipts from the insurance proceeds for the Navajo of \$168,500, revenue in this fund is \$91,300 less than in FY02. Expenditures exceeded receipts by \$121,300 for the year.

FY05 Proposed Budget Request. Economics and Research Manager Doug Benzon provided an overview on the Department's forecasting process. He believes the economy will continue to improve slowly, which is a concern to the Department's revenue flow. Senior Budget Analyst (SBA) Joel Drake presented the FY05 Budget Request Summary and requested guidance on additional budget cuts. Anticipated revenue is \$420.6 million, while current expenditures are \$425.7 million. He presented several options to balance the appropriation request. SBA Drake also reported that the full time equivalent positions are proposed to decrease from 1838 to 1833.5 in FY05.

Member McHugh suggested liquidating existing encumbrances for the headquarters building project in the amount of \$2.7 million and reducing the state match on federal carryover by \$1.9 million. The Board had no objections to this proposal.

Member Sweeney made a motion, seconded by Member Blick, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the FY05 Idaho Transportation Department Budget Request will be

ITB03-48 prepared in accordance with instructions in the Division of Financial Management's Budget Development Manual; and

WHEREAS, the Idaho Transportation Board has reviewed the FY05 Budget Request Summary.

NOW THEREFORE BE IT RESOLVED, that the Board agrees with the budget request estimates and guidance provided as presented in the Department Summary and Certification, submitted for approval August 22, 2003, as shown in Exhibit 281, which is made a part hereof with like effect, and authorizes the estimates and guidance provided to serve as the basis for the budget request to be submitted to the Division of Financial Management and Legislative Services Office on or before September 2, 2003.

Vice Chairman Combo mentioned that the District 6 Office in Rigby is not in compliance with the Americans with Disabilities Act (ADA). He noticed the Rigby Office Addition project is listed as the 16th priority in the FY05 Building Program. He encouraged staff to revisit those priorities and consider making the District 6 Office a higher priority. DE Cole said that in addition to the ADA compliance, other issues, such as energy efficiency and additional space to relieve overcrowding, need to be addressed

Old Business. Vice Chairman Combo mentioned the Department's team that is reviewing construction zone issues. He believes the re-authorization of TEA-21 may include language regarding construction work zones. He suggested that the Department may want to propose legislation on this issue.

ACE-O Laragan elaborated on the team, which includes non-ITD personnel such as ISP, a legislator, and the Idaho Chapter of the Associated General Contractors of America. The team is striving to find a balance between the safety of the construction workers and keeping traffic flowing as efficiently as possible, or public convenience. The team is scheduled to have its report ready in three to four months.

Task Force to Review the Trip Permit/Truck Registration System Report. Motor Vehicle Administrator (MVA) Morris Detmar reported on the Internal Truck Registration and Economic Analysis Team's findings on its review of the trip permit and truck registration system. The Team found that overall commercial vehicle revenue to the Highway Distribution Account is decreasing, although the miles traveled by commercial vehicles continue to grow. The current registration programs have shifted the financial responsibility from out-of-state/foreign-based vehicles to Idaho-based vehicles. Additionally, the temporary trip permits and registration citations decreased from FY99 through FY02; however, some growth occurred in FY03.

The consensus of the Board was to have MVA Detmar present the Task Force's findings to the Motor Carrier Advisory Committee. Vice Chairman Combo thanked MVA Detmar for the report.

WHEREUPON, the Transportation Board's regular monthly meeting and District 6 tour officially adjourned at 3:10 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

September 18, 2003

Boise, Idaho

REGULAR MEETING AND DISTRICT ONE TOUR

OF THE IDAHO TRANSPORTATION BOARD

July 17-18, 2003

The Idaho Transportation Board met at 8 AM, on Thursday, July 17, 2003, in Coeur d'Alene, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Dave Ekern, Director

Jimmy Ross, Chief Engineer

Steve Bywater, Deputy Attorney General

Representative Bonnie Douglas, Federal Highway Administration (FHWA) Division Administrator Steve Moreno, and Division of Financial Management (DFM) Budget Analyst David Hahn joined the Board as it traveled south on US-95. The tour continued east on SH-5.

Delegation – City of St. Maries and Benewah County. Ed Spooner, St. Maries City Council Member, welcomed the Board to St. Maries. He thanked the Board for improvements to the infrastructure. He said the City is looking forward to continuing working with ITD on future projects and expressed appreciation for the good relationship with the District Office.

Benewah County Commission Chairman Jack Buell also thanked the Board for the good working relationship with the Department and for the projects in the area. He commended ITD staff, particularly Jim Ross in his capacity as Acting Director, for the responsiveness and assistance it has provided. He also praised the contractor on the SH-5, downtown St. Maries project. He said the contractor has been working well with the community and has been responsive to the citizens' concerns.

Chairman Winder thanked the gentlemen for their remarks. He also stated that the Board appreciates the opportunity to meet with local officials.

The Board traveled north on SH-3. At the I-90 and SH-3 interchange, Representative Dick Harwood joined the tour. The group traveled east on I-90 to Mullan.

During an informal luncheon at the Mullan Maintenance Shed, District Maintenance Engineer John Perfect gave a presentation on the maintenance activities in the District, including its accomplishments and needs. He commented that one of the concerns is the lack of a change in employee compensation the past two years, particularly with an increase in payroll deductions.

Mr. Perfect also mentioned that the District has established good partnerships with other entities, such as Idaho State Police (ISP) and the Montana Department of Transportation.

Chairman Winder responded that the pay issue is also a concern to the Board; however, the Department has to follow legislative guidelines on compensation issues. He thanked the employees for their dedication and service to the state. He believes the employees are doing a commendable job and encouraged them to be patient regarding salary issues.

ISP Captain Wayne Longo expressed appreciation to the ITD staff for its assistance. He said that the two Departments communicate effectively and work cooperatively. Captain Longo thanked the maintenance personnel for keeping the roads safe and for their excellent service.

The Board traveled I-90 east to Lookout Pass, and then turned around and traveled west on I-90.

Delegation – City of Wallace. Wallace Mayor Ron Garitone expressed concern with the 6th Street Bridge in Wallace. He said the bridge was in the Statewide Transportation Improvement Program (STIP) earlier; however, the City did not have the matching funds, so the project was removed from the Program. Mayor Garitone said the bridge needs to be improved and asked if the Board could provide assistance. He also requested that the resurfacing project on the I-90 Business Route be advanced.

Chairman Winder thanked Mayor Garitone for his comments. Staff will consider the two requests. CE Ross said the Tri-Agency may be a funding source for the bridge if the route is on a forest road. He will pursue that option.

Department of Parks and Recreation employee Bill Scudder joined the tour in Wallace. While traveling west on I-90, he reported on the Trail of the Coeur d'Alenes, a multi-use trail under construction in the area. Although the project has not been completed yet, it is already being used. He believes the trail will be very popular and will be a beneficial asset to the communities. After visiting the Cataldo Mission, Mr. Scudder departed the

tour and the Board returned to Coeur d'Alene via I-90 west. Staff provided information on various projects throughout the day.

WHEREUPON the tour of District 1 recessed at 4:10 PM.

July 18, 2003

The Board met at 8:35 AM on Friday, July 18 at the District 1 Office, Coeur d'Alene, Idaho. All members were present.

Chairman Winder welcomed Senator Shawn Keough and Representative Hilde Kellogg to the meeting. He also welcomed Dave Ekern to the Department. He said the Board is looking forward to working with Director Ekern. Chairman Winder asked Director Ekern to say a few words later in the morning, including information on his background and experience.

June 25-27, 2003 Board Minutes. Member McClure made a motion, seconded by Member Sweeney, to approve the minutes of the regular Board meeting held on June 25-27, 2003 as corrected. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

August 21-22, 2003 – District 6

September 18-19, 2003 – Boise

October 9-10, 2003 – District 5

Consent Calendar. Member Miller made a motion, seconded by Member McHugh, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-38 approves the revisions to Board Policy B-06-07, Idaho Highway Map; revisions to B-20-02, Groundbreaking and Dedication Ceremonies; relinquishment of US-95 Business, Bonners Ferry, District 1; request for supplemental agreement, US-95, Setters Road to Bellgrove, District 1; request for supplemental agreement, US-95 Electrical Substation to Smith Creek, District 2; and removal of Southeast Elk River Bridge from the STP-Local Bridge Program, District 2; and has received and reviewed the contract award information; the new and supplemental professional agreements report; administrative settlements of right-of-way acquisitions; a summary of FY03 items submitted to the Board of Examiners; the quarterly returned check report; and the May financial statement analysis.

- 1) Revisions to Board Policy B-06-07, Idaho Highway Map. Because this policy was last updated in 1995, it was reviewed to determine if revisions were necessary. No content changes were made.

- 2) Revisions to Board Policy B-20-02, Groundbreaking and Dedication Ceremonies. Wording in this policy was clarified to indicate that the Director or designee shall coordinate with local officials as well as appropriate agencies when planning a groundbreaking or dedication ceremony.

- 3) Relinquishment of US-95 Business Route in Bonners Ferry, District 1. At the request of the City of Bonners Ferry, District 1 and the City reached an agreement to relinquish the US-95 Business Route. A Road Closure and Maintenance Agreement has been finalized, whereby ITD will work with the City to improve safety at the intersections of US-95 and Riverside Street, US-95 and Kootenai Street, and US-95 and Ash Street through the reconfiguration of access to US-95 from the local system. ITD will pay a lump sum of \$630,000 to Bonners Ferry for anticipated repairs to be made by the City on the streets referenced above. Payment will be made on or after July 1, 2004. The relinquishment is 0.229 miles. The official minute is shown as Exhibit 278, which is made a part hereof with like effect.

- 4) Request for Supplemental Agreement, US-95, Setters Road to Bellgrove, Key #8070, District 1. Staff requested a supplemental agreement in the approximate amount of \$900,000 for additional engineering services to complete final design and plans,

specifications, and estimate submittal for the US-95, Setters Road to Bellgrove project. The additional work would include modifications to the design required by on-site rock quantity and quality, a biological assessment for temporary stream crossings, additional design details recommended from a constructability review, design revisions resulting from right-of-way negotiations with property owners, design of drainage improvements along part of US-95 required as a condition of the relinquishment of the existing highway to Worley Highway District, inspection and testing of structures to be demolished to confirm sources of asbestos, re-design of a proposed staging and future maintenance stockpile site, purchase and installation of turbidity monitoring equipment on Lake Creek and Fighting Creek, and additional boundary surveys on the Coeur d'Alene Reservation.

The project is scheduled for construction in FY06 and FY07; however, the Omnibus Appropriations Bill for FY03 provided \$7 million in earmarked funds for the project. Those funds need to be obligated this fiscal year. The supplemental agreement will expedite the project, break out a logical section to construct, and utilize the earmarked funds.

5) Request for Supplemental Agreement, US-95, Electrical Substation to Smith Creek, Key #6298, District 2. Staff requested a supplemental agreement for the US-95, Electrical Substation to Smith Creek project, programmed in FY03 for \$13.2 million. The additional services to complete the design of the project includes development and design of an off-site wetland mitigation site, development of significant right-of-way issues, development of special design analyses and changes requested after preliminary design, and extended timeline and management of the project associated with the additional services tasks. With the supplemental agreement in the amount of \$218,451, the total amount for the initial agreement and supplementals would be \$1,195,451.

6) Removal of Southeast Elk River Bridge, Key #7787, from the STP-Local Bridge Program, District 2. The Clearwater Highway District is no longer interested in pursuing federal aid to complete the Southeast Elk River Bridge project and has requested its removal from the Program. The bridge replacement project is currently in Preliminary Development with an estimated construction cost of \$197,000.

7) Contract Award Information. Key #8273 and #8272 – SH-38, Sterling Road to Hoff Road and Malad Interchange to Holbrook Road, District 5. Low bidder: H K Contractors, Inc. - \$876,919.

Key #9052 – Big Wood River Bridge 17686, District 4. Low bidder: Shea Graham Construction - \$556,920.

Key #8497 – Yellowstone Highway St. Anthony, District 6. Low bidder: H K Contractors, Inc. - \$379,915.

Key #8872 and #8871 – US-93 and US-30, Barrymore Crossing Near Jerome and Curry Crossing Near Filer, District 4. Low bidder: Balanced Rock Electric, Inc. - \$57,005.

Key #9088 – US-20, North Rexburg to South St. Anthony, District 6. Low bidder: Multiple Concrete Enterprises Inc. - \$473,771.

Key #8037 – Warm Springs Bike Path, Ketchum, District 4. Low bidder: Idaho Sand & Gravel Company, Inc. - \$539,202.

Key #8915 – US-20, FY04 District 6 Signal Upgrade. Low bidder: Beco Construction Company, Inc. - \$143,000.

Key #7377 – SH-31, Pine Creek Road to Milepost 7, District 6. Low bidder: Western Construction, Inc. - \$1,148,780.

Key #9077 – FY04 District-wide Seal Coats, District 6. Low bidder: H K Contractors, Inc. - \$520,950.

Key #7054 – US-20, Intersection US-20 and Locust Grove Road, West of Boise, District 3. Low bidder: Power Plus, Inc. - \$193,778.

8) New and Supplemental Professional Agreements Report. From June 7 to June 30, the Consultant Administration Unit processed \$1,554,255 in professional, supplemental, and term agreements.

9) Administrative Settlements of Right-of-Way Acquisitions. During the reporting period of January 1 through June 30, 2003, the Right-of-Way Section processed 230 parcels. Of those, 37, or 16%, had administrative settlements.

10) Summary of FY03 Items Submitted to the Board of Examiners. Moving expenses for five new employees were submitted to the Board of Examiners in FY03. Additionally, a request to lift the vacation cap on a new employee was also submitted. All requests were approved.

11) Quarterly Returned Check Report. During the last quarter of FY03, \$12,479,812 in checks were received, while \$36,896 or 0.3% were returned. Collections of returned checks equaled \$25,313 for an annualized collection rate of 95.02%.

12) May Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by approximately \$9.7 million, or 6%. Percentage wise, commercial registration and special fuels continue to have the largest variance in revenue collected compared to the estimated revenue. Expenditures for personnel, operating, and capital equipment are all less than budgeted through May. In contract construction, the federal program is more than spending projections by 0.2% and the state program is 36.7% less than projected.

Aviation Fuel Tax revenue received through the end of May is \$135,052, or 8.7%, less than projected, while miscellaneous revenue is 26% above last year's revenue. Overall expenditures are ahead of the same time period as last year. Revenue in the Aircraft Operations Fund is 88% of the annual estimate as of the end of the month, and operating expenditures are similar to the same time period as last year.

Revisions to Board Policy B-20-01, Release of Department Information to the Media. A discrepancy between the Board Policy and corresponding Administrative Policy was rectified. Both policies now state that the Board Chairman and Department Director must

approve any announcements or news releases issued in the name of the Board prior to release.

Member McHugh questioned the need to have the Chairman and Director approve announcements or news releases and believes that is too restrictive. Member Sweeney believes that actions taken by the Board or the Board's position on specific issues should come from the Chairman.

Chairman Winder suggested tabling this item for one month and asking staff to explain the intent of this language.

Member McHugh made a motion to table the revisions to Board Policy B-20-01, Release of Department Information to the Media for one month. Member Blick seconded the motion and it passed unopposed.

Chairman Winder welcomed Representative Douglas to the meeting. He also thanked her for participating in yesterday's tour of the area.

Annual Report on Railroad Grade Crossing Protection Account. At the end of FY03, the Railroad Grade Crossing Protection Fund had a balance of \$2,071,878. Proposed projects for FY04, inventory data of active crossings, and a summary of rail-highway collisions from 1998 through 2002 were provided.

Member McHugh asked for additional information on the four proposed projects for funding in FY04. Lee Wilson, Transportation Staff Engineer Assistant, said the four projects, taken from the active priority list, include Collins Road in Blackfoot, Dingle Road near Montpelier, 145th North near Idaho Falls, and Maple Street in Idaho Falls.

Member Miller stated that Bingham County is considering closing the railroad crossing on Collins Road, eliminating the need for the proposed project. Mr. Wilson responded that he is aware of that possibility. If the Collins Road crossing project is not funded, the next project on the list would be advanced, 15th West near Idaho Falls.

Member Miller made a motion to accept the Annual Report on Railroad Grade Crossing Protection Account. Member McHugh seconded the motion and it passed unopposed.

Vice Chairman Combo referenced the I-90 Business Route relinquishment in Bonners Ferry. He mentioned that the Subcommittee on Adjustments to the State Highway System had been involved in the transaction and reviewed the draft Road Closure and Maintenance Agreement. He thanked District staff for its responsiveness to concerns he had in the agreement.

Board Items. Although the issue of consultants' accountability was discussed earlier this year, Member Blick asked if the issue could be revisited at a future meeting. He expressed concern with a project in District 4 that is taking longer than expected due to the consultant's poor performance. As part of that discussion, Member Miller would like information on what other states do to ensure consultants perform in a timely and acceptable manner.

Vice Chairman Combo commented on ITD's emphasis on customer service. He recently read two newspaper clippings that commended two employees for their assistance. Driver Services Manager (DSM) Ed Pemble was recognized for providing exceptional assistance with a driver's license issue in northern Idaho. Gary Messler from the Division of Transportation Planning was acknowledged for aiding a motorist with a flat tire in eastern Idaho. Vice Chairman Combo stated that there are other instances where employees go above and beyond the call of duty, but are not recognized for their efforts. He thanked Messrs. Pemble and Messler for their specific actions, and ITD employees in general for their service.

Chief Engineer's Items. DE Stokes reported on the City of Bonners Ferry's request to partner on a new rest area/visitor center along US-95. An Enhancement project has been included in the draft STIP. DE Stokes will continue to work with the City on this project.

Assistant District 3 Engineer Eric Shannon said that staff has been reviewing the request to add the I-84/Ten Mile Interchange to the STIP. In reviewing the various issues and steps, staff does not believe the project could be ready for construction before 2007. The District would like to include improvements to the I-84/Meridian Interchange and

widening I-84 in conjunction with the new interchange. Logical terminus for the interstate improvements would be Eagle Road at the east end and Garrity Boulevard at the west end, according to ADE Shannon. He added that staff will continue to refine the schedule and explore financing options.

In response to Member McClure's question on whether the developer is aware of the estimated 2007 timeframe, ADE Shannon replied that he does not believe the preliminary schedule has been shared with Eastbourne Investments. The District has informed the developer that 2005 is too ambitious. The developer indicated earlier that it is willing to work with the Department on this project and the schedule.

CE Ross reported that efforts are continuing on the reauthorization of the Transportation Equity Act for the 21st Century. It is doubtful that a new act will be completed by the end of September. He added that there is concern with the possibility of a one- or two-year bill.

Matt Ellsworth, representing Senator Mike Crapo's Office, said that Congress is working on a one-year contingency plan. He added that Congress is working hard to complete the reauthorization bill.

Before former Director Dwight Bower retired, the Board asked him to consider assisting Idaho's efforts with reauthorization. Chairman Winder said he received a letter from Mr. Bower indicating his willingness to work on a part-time basis on this effort. By general consensus of the Board, staff was directed to proceed with a consultant agreement for this service.

Delegation – Post Falls Highway District. Post Falls Highway District Commissioner Robert Wilbur thanked the Board for its assistance. He also expressed appreciation to Scott Stokes and his staff for the good working relationship that has been formed.

Chairman Winder thanked Commissioner Wilbur for attending the meeting and providing the positive remarks.

Delegation – City of Post Falls. Post Falls Mayor Clay Larkin thanked the Board for its time. He also commended the District staff for its assistance and the good relationship that the two entities have established. Mayor Larkin commented on the continued growth the Post Falls area is experiencing and the need to address the resultant infrastructure needs. He said the community supports a Greens Ferry Interchange on I-90 and encouraged the Board to fund the project. He added that the City of Post Falls would like to partner with ITD on the project.

DE Stokes said the project is currently in Preliminary Development. He stated that the interchange would improve the transportation system in the area and relieve traffic on SH-41.

Chairman Winder thanked Mayor Larkin for his comments and encouraged him to work with Kootenai Metropolitan Planning Organization. The Department coordinates with MPOs on an area's transportation priorities.

Delegation – Bonner County Area Transportation Team (BCATT). BCATT Chairman Brian Orr thanked the Board for the numerous projects scheduled in the draft STIP and for recently-completed projects. He extended the Team's appreciation for the assistance the Board and Department have provided and for the emphasis that has been placed on improving the transportation infrastructure in northern Idaho. BCATT Chairman Orr welcomed Director Ekern. He also thanked Member McHugh for attending BCATT meetings and for his assistance.

Sandpoint City Council Member Michael Boge expressed appreciation for the Sand Creek Byway project, particularly the process that was used to develop the project. Citizens have been involved in the process and ITD has been receptive to the area's needs and concerns.

Chairman Winder thanked Messrs. Orr and Boge for their comments.

District 1 Adopt-A-Highway Award. Member McHugh thanked the Kiwanis of St. Maries for participating in the Adopt-A-Highway Program. He presented an award to the group for its outstanding efforts and service to the state.

Delegation – City of Ponderay. Ponderay City Clerk Nancy Piatt said the mayor had a conflict and was unable to appear before the Board. She thanked the Board for its leadership and commitment to improving the transportation system in the Ponderay area. The City is looking forward to continuing the coordination and communication it has established with the Department. She also expressed appreciation to Member McHugh for his help. City Clerk Piatt welcomed Director Ekern and invited him to visit Ponderay.

Chairman Winder thanked City Clerk Piatt for coming to the meeting and providing remarks on behalf of the City of Ponderay.

District 1 Adopt-A-Highway Award. Member McHugh recognized the Shoshone County Inmates for their efforts in the Adopt-A-Highway Program. He presented an award to the group for its outstanding efforts and service to the state.

Director's Items. Director Ekern thanked the Board for selecting him as the Department's director. He is looking forward to this opportunity and expressed appreciation for the support and warm welcome he has received. He provided information on his experience with the Minnesota Department of Transportation and the past two years with the American Association of State Highway and Transportation Officials. He understands the vital role transportation plays, in areas such as the quality of life, the economy, and the state's future. With its professional and dedicated staff, he believes ITD is up to the challenges it must address.

Revisions to IDAPA 39.03.43, Rule Governing Utilities on State Highway Right-of-Way. Jonathan Lenhart, Utility/Railroad Engineer, said the Department's utility policy has been updated. The draft policy was distributed to FHWA, the Public Utilities Commission, utility companies, and local highway jurisdictions within Idaho for review and comment. Revisions to IDAPA 39.03.43, Rule Governing Utilities on State Highway Right-of-Way are needed to coincide with the updated policy.

Vice Chairman Combo suggested that staff incorporate the federal references into the policy.

Vice Chairman Combo made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Idaho Code Section 40-312 gives the authority to control use of state

ITB03-39 highway system rights-of-way; and

WHEREAS, the Idaho Transportation Department “Utility Accommodation Policy”, formerly titled “A Policy for the Accommodation of Utilities within the Right-of-Way of the State Highway System in the State of Idaho”, 1990 Edition, establishes the policy for the use of right-of-way on the state highway system for utility facilities, and the Idaho Transportation Board has been given authority to control access to the state highway system under the aforementioned section of Idaho Code; and

WHEREAS, the Department’s “Utility Accommodation Policy,” June 2003 Edition, was reviewed by the ITD, the Federal Highway Administration, local highway jurisdictions, and utilities within the State of Idaho.

NOW THEREFORE BE IT RESOLVED, that the Board approves the “Utility Accommodation Policy,” July 2003 Edition and the proposed changes to IDAPA 39.03.43, Rule Governing Utilities on State Highway Right-of-Way, and authorizes staff to proceed with rule-making.

Revisions to IDAPA 39.03.81, Rule Governing Issuance of Temporary Permits. Port of Entry Manager (POEM) Alan Frew requested revisions to IDAPA 39.03.81, Rule Governing Issuance of Temporary Permits. The Ninth Circuit of the United States Court of Appeals has interpreted the Treaty of 1855, negotiated between the United States and the Yakama and Nez Perce Indian Tribes, as providing exemptions from vehicle permitting and registration fees when specific requirements are met.

Member Blick asked if the Tribes have to meet all of the safety requirements. POEM Frew responded that yes, all state and federal laws regarding safety must be followed.

Member Miller asked for clarification on the exemption and whether it is a statewide exemption. POEM Frew replied that a vehicle that is wholly owned by either the Yakama or Nez Perce Tribe, its tribal members, or a company wholly owned by a tribal member is exempt. The exemption is statewide for the two Tribes. The other two requirements are: the vehicle must have a tribally issued registration certificate or license permit, and the vehicle must be hauling tribal goods, specifically goods originating on those reservations established by the Treaty of 1855.

Representative Kellogg asked if ITD worked with the Tribes on this issue. POEM Frew replied that yes, the Tribes were contacted regarding this rule revision. He added that Legal Counsel was also involved to ensure the legal requirements were met.

Member Sweeney asked if the Tribe will receive a fee from the owners of the vehicles; otherwise he is concerned with competition, as this would provide an unfair advantage to the Tribal members. POEM Frew concurred that fairness is a concern; however, the Department has to follow the guidelines specified by the Court of Appeals.

Vice Chairman Combo made a motion, seconded by Member McHugh, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board recognizes the interpretation of the
ITB03-40 Treaty of 1855 by the Ninth Circuit of the United States Court of Appeals;
and

WHEREAS, the Board recognizes the need to modify administrative rule, IDAPA 39.03.81, Rule Governing Issuance of Temporary Permits, to clarify that the Yakama and Nez Perce Indian Tribes, when meeting certain requirements, are exempt from paying registration and permitting fees; and

WHEREAS, the Board has authority under Section 40-312, Idaho Code, to prescribe rules and regulations affecting state highways.

NOW THEREFORE BE IT RESOLVED, that the Board approves the staff recommendation modifying administrative rule IDAPA 39.03.81; and

BE IT FURTHER RESOLVED, that the Board directs staff to prepare and submit appropriate rulemaking to the Office of Administrative Rules with an effective date of July 1, 2003.

Chairman Winder requested a roll call vote. Vice Chairman Combo and Members McHugh and Sweeney voted aye. Members Blick, McClure, and Miller dissented.

Chairman Winder asked DAG Bywater for a legal opinion. DAG Bywater responded that the proposed rule revisions address the legal issues raised by the Ninth Circuit's decision in this case. The rule must be revised for the state to be in compliance with the Court of Appeals' decision.

Chairman Winder said he will vote in favor of the motion; however, he would like staff to review this issue and determine if other options are available. He is concerned that this exemption may be abused. He suggested negotiating with the Tribes on an acceptable solution to all parties. Representative Kellogg offered her assistance to address this issue.

Member Sweeney questioned the enforcement of this exemption. POEM Frew concurred that enforcement may be difficult.

The motion passed 4-3.

Delegation – Kootenai Metropolitan Planning Organization (KMPO). Dixie Reid, KMPO representative, said that District 1 has been extremely helpful in the establishment of KMPO. She particularly praised Carole Richardson for her assistance. Ms. Reid presented a bouquet of flowers and plaque to Ms. Richardson in honor of the help she has provided the entity.

Ms. Richardson thanked KMPO for the recognition. She said the District and KMPO have established a good partnership. She commended the players for their commitment to the process and for the efforts to establish the MPO.

Glenn Miles said KMPO will be working on its list of priorities for the area. He also commented that Member McHugh was an ex-officio member of the Spokane MPO. With the establishment of KMPO, Member McHugh has resigned as an ex-officio member of the Spokane MPO. Mr. Miles thanked Member McHugh for his assistance to the Spokane MPO and said Member McHugh's participation will be missed.

Chairman Winder thanked the delegation for the remarks and for their efforts with the MPO. He also expressed appreciation for the partnership that has been established with the Department, and stated that MPOs play an important role in the transportation arena.

Delegation – Wild Horse Trail. Ellen Larsen, representing citizens from Rathdrum, Spirit Lake and Athol, said that a grassroots effort has been underway to construct a path between the three communities. The multi-purpose trail will provide a safer corridor for children traveling along SH-41 and SH-54. The group is working on its Enhancement Program application. The design costs for three areas need to be refined. She asked the Board if it would allow an ITD engineer to review those three areas and develop the cost estimates for the application.

Although the Board would like to help, it expressed concern with the request, as it is not normal practice to provide engineering services in a situation like this. DE Stokes suggested obtaining the services of a retired engineer from the area or from higher education facilities.

Ms. Larsen thanked DE Stokes for the suggestions and will explore those options.

Delegation – Idaho Department of Lands (IDL). Dave Stephenson, Project Coordinator for the City Lands Enhancement Project, thanked the Board for making Enhancement Program funds available for this project. He provided an overview of the project funded with \$100,000 in Enhancement Program funds. The IDL provides a maximum of \$15,000 to a city to plant trees on public land. Mr. Stephenson said the program is very

popular and IDL receives more requests for projects than funds are available. He encouraged the Board to continue the program and to consider increasing the funding level.

Chairman Winder thanked Mr. Stephenson for the presentation and for his efforts on this beneficial program.

Delegation – Flying J Inc. Sign Variance. Terrence Bride, Project Coordinator for Flying J Plaza, requested a sign variance for the company's illegal sign near the I-84 and US-20/26 interchange in Caldwell. He provided a history of the issue. He emphasized the significant hardship that the company would suffer if the sign is removed and said that other options have been explored, but don't appear feasible.

Member McHugh asked if this issue was before the court. Mr. Bride replied that Flying J Inc. filed a petition in District Court asking for a review of the Hearing Officer's decision to remove the sign. John McCreedy, legal counsel representing Flying J Inc., stated that the company asked the judge for approval to appear before the Board. Due to the cost of the court proceedings and other concerns, Flying J Inc. requested to meet with the Board and hopefully stop the court action. He added that Flying J Inc. had no intention of erecting an illegal sign. He believes an honest mistake was made.

Member Blick asked if the sign, at its present location, would interfere with the planned modifications to the I-84 interchange. Mr. McCreedy replied that in reviewing the preliminary plans for the interchange, it does not appear that the sign would be impacted

Vice Chairman Combo questioned the Board's authority on this issue. Member Miller concurred, stating that he would like information on the federal regulations.

Member McClure said that he is familiar with this issue. He suggested that staff review the policy, provide information on the federal requirements, and outline the Board's options on this matter. He believes both ITD and Flying J Inc. were innocent parties; that the sign company was at fault. It was also suggested that Flying J Inc. provide assistance on access issues as the interchange project is designed.

Member McClure made a motion for DAG Fanning and Flying J Inc. legal counsel John McCreedy to approach the District Court for an extension of time on this issue. Member McHugh seconded the motion and it passed unopposed.

Member Miller made a motion to table the sign variance request presented by Flying J Inc. until September. Member Sweeney seconded the motion and it passed unanimously.

Chairman Winder thanked Messrs. Bride and McCreedy for attending the meeting and their willingness to work with ITD on these issues.

Executive Session on Legal and Personnel Issues, Section 67-2345(1)(f) and (a), Idaho Code. Member Miller made a motion to meet in executive session at 12:15 PM to discuss legal and personnel matters. Vice Chairman Combo seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on legal issues included updates on pending litigation.

One personnel matter was also discussed.

The Board came out of executive session at 1:05 PM. No decisions were made.

2004 Legislative Idea Concept Review. Staff is proposing four legislative ideas for the 2004 session, according to Transportation Planning Administrator (TPA) Charlie Rountree. The first proposal is to amend existing code to implement the federal USA Patriot Act, which prohibits a state from issuing or renewing a commercial driver's license (CDL) to operate a motor vehicle transporting hazardous materials unless the US Department of Transportation has determined that the applicant does not pose a security risk. The Division of Motor Vehicles, working with the Idaho Tax Commission, is proposing permanently transferring four audit unit employees and the appropriation for

related operating expenses to the State Tax Commission and aligning the appeal and collection processes of the two departments. The Driver Services Section would like legislation to clarify several minor driver-related statutes. The last proposal is to amend Idaho Code to provide for an administrative remedy to resolve disputes over whether a low bid on a major highway project is responsive due to a defect in the bid.

TPA Rountree said if the Board concurs with these legislative concepts, they will be presented to DFM for approval. If DFM agrees with the proposals, staff will draft legislation for Board approval in September. The legislation will be forwarded to DFM in October for review prior to possible inclusion in the Governor's legislative package to the Legislature.

A discussion was then held between the Board members and DSM Pemble regarding the proposal relating to the implementation of the USA Patriot Act, the federal rules under the Act, and their effective dates.

Member Blick made a motion, seconded by Vice Chairman Combo, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Governor's Office has requested that state agencies submit

ITB03-41 proposed 2004 legislation to the Division of Financial Management (DFM) for review and approval; and

WHEREAS, the Idaho Transportation Department Executive Team has approved the "Legislative IDEA Submittal Forms" as to concept and has submitted them to the Idaho Transportation Board for concept review approval prior to submission to the DFM.

NOW THEREFORE BE IT RESOLVED, that the Board approves submittal of the "Legislative IDEA Submittal Forms", as shown as Exhibit 279, which is made a part hereof with like effect, to DFM, and, upon approval, the development by ITD staff of draft legislation to be included as part of the Governor's 2004 legislative package, dependent upon subsequent review and approval by the Board and DFM.

Presentation on US-95, Sand Creek Byway Project, District 1. District 1 Project Manager Mike Fitzgerald reported that the Sand Creek Byway project is progressing well. The final design should be completed by the end of this year, with the construction bid to be advertised a couple of months after that. Consultant Dave Butzier with Washington Group provided specific details on the project, which is approximately two miles in length.

Review of Options for Improving the Process for Award of Construction Contracts.

DAG Bywater said the Department has researched and reviewed options to improve the process of awarding construction contracts. He presented an outline of the parameters of existing Idaho law on contract awards for highway construction; methods that other state transportation agencies are using to assure highway contractor capability, capacity, and expertise; ITD's historical approach to these issues and previous consideration of contractor prequalification concepts; how the methods used by each state to select contractor qualifications factor into current contracts for highway projects; and options available to ITD to implement contractor qualification factors in contract awards under existing law.

Member McClure believes the Department is proceeding in the right direction with this issue. He expressed some concerns with prequalification of contractors. He believes minor changes could be made between the surety and the Licensing Board to address ITD's concerns with unqualified contractors. He added that the Licensing Board has made some improvements to the process.

Vice Chairman Combo thanked staff for the extensive research and report. He suggested that as Director Ekern becomes more familiar with the Department and its procedures, he may have some insight as to improvements in this area.

Delegation – Greater Twin Falls Area Transportation Committee (GTFATC). GTFATC Chairman David Maestas summarized the efforts on the proposed Snake River Canyon crossing in the Twin Falls area. A Congressional appropriation has been provided for an Environmental Impact Study (EIS); however, the match is a concern. Mr. Maestas believes it is important to complete the EIS at this time so the corridor can be preserved. He said that he has contacted all of the area local public agencies and with the exception of the Filer Highway District, all agencies expressed support for the project. A number of public and private sources may provide funds for the match. Mr. Maestas relayed the

GTFATC's concern with the timeframe, as it received a letter from FHWA indicating that if the funds cannot be obligated this fiscal year, they need to be returned to FHWA for re-obligation.

Member Blick commended Mr. Maestas and the GTFATC for the efforts on this proposal. He encouraged the Board to support the project in whatever way feasible. He believes it is important to proceed with the EIS for planning purposes and to be proactive in addressing the growing transportation needs in the area. Chairman Winder requested letters from the local public agencies regarding their financial commitment for the EIS. Member Sweeney believes the local public agencies need to provide the match.

Chairman Winder questioned the feasibility of providing \$300,000 from the State Board Unallocated Account with the understanding that the local entities would replace that money in a specified time, like six months.

CE Ross said that he will work with FHWA on a funding proposal for the match.

New Business. Vice Chairman Combo made a motion to authorize Chairman Winder and Director Ekern to execute an Agreement to Dismiss Lawsuit and Waiver of Statute of Limitations Defense on a claim for personal injuries filed in Jerome County as a result of a traffic accident that occurred several years ago. Member Miller seconded the motion and it passed unopposed.

Member Miller commented on the positive relationship that District 1 and ISP have established, as reported during yesterday's tour. He stated that the length of time required to remove vehicles from the roadway after minor traffic incidents continues to be a concern. He encouraged staff to revisit this issue with ISP. Chairman Winder suggested establishing a pilot project rather than implementing something statewide at this time.

WHEREUPON, the Transportation Board's regular monthly meeting and District 1 tour officially adjourned at 2:55 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

August 22, 2003

Idaho Falls, Idaho

WORKSHOP, REGULAR MEETING, AND DISTRICT TWO TOUR
OF THE IDAHO TRANSPORTATION BOARD

June 25-27, 2003

The Idaho Transportation Board met at 8:40 AM, on Wednesday, June 25, 2003, at the District 2 Office in Lewiston, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Acting Director

Steve Hutchinson, Acting Chief Engineer

Chairman Winder welcomed Dave Ekern to the meeting. Mr. Ekern was recently selected as Director of the Idaho Transportation Department. He will officially begin his position as Director on July 15, but had an opportunity to attend the June meeting.

Discussion on Rest Area Program. Roadside Program Administrator Cathy Ford provided an overview on other states' rest area programs. Nathan Hesterman, Senior Planner, reviewed rest area maintenance costs and projected costs through 2072 based on various scenarios of constructing new facilities and rehabilitating existing ones.

The Board thanked staff for the extensive research on this issue. The consensus of the Board was to establish a separate rest area program to fund major improvements and construction of new facilities. It also asked Ms. Ford and Mr. Hesterman to give the rest area program presentation to the District Engineers. Staff is to recommend priorities for funding rest area projects.

FY04-08 Statewide Transportation Improvement Program (STIP); Public Review Draft. Intermodal Planning Manager (IPM) Pat Raino summarized the STIP development process and schedule, which emphasizes public involvement. The draft STIP will be available for public review and comment from July 7 through August 5.

The Board concurred with the proposed STIP process.

FY04-08 and Preliminary Development Highway Development Program. Highway Programming Manager (HPM) Dave Amick provided an overview of the draft Highway Development Program. He reviewed the funding assumptions, the available funding versus the programmed projects, and the performance measures. The individual program sheets were provided.

Member McHugh expressed concern with the funding of the STP-Urban Program. Prior to the establishment of the Transportation Management Area (TMA), the STP-Urban Program received a total of \$10 million. Community Planning Association of Southwest Idaho (COMPASS) received approximately \$3.3 million, leaving \$6.7 million for the

other entities in the Program. Staff proposed funding the TMA with STP-State funds and continuing the funding level of the STP-Urban Program at \$10 million. Member McHugh does not believe the other entities should now receive \$10 million instead of \$6.7 million. With Board consensus, HPM Amick will change the STP-Urban Program funding to \$6.7 million.

Chairman Winder commented that the Administration's reauthorization bill places a higher emphasis on safety. FHWA Division Administrator Steve Moreno stated that the Department of Transportation Secretary Mineta is very concerned with traffic fatalities. There is a strong effort to reduce fatalities. Chairman Winder suggested that the Department re-evaluate its safety measures, particularly the way safety projects are identified or classified.

Jerry Flatz, Local Highway Technical Assistance Council (LHTAC) Federal Aid Manager, reviewed LHTAC's application process. LHTAC's recommended list of projects to fund in the STP-Local Rural and STP-Local Urban Programs was provided. Chairman Winder thanked Mr. Flatz for the information.

The Board thanked HPM Amick and the various players for their efforts on the draft Highway Development Program and for the improvements made to the process over the years.

FY05 Budget. Senior Budget Analyst (SBA) Joel Drake recapped the budget development process and presented a working draft of the FY05 budget. The federal and state revenue is estimated at \$220.5 million and \$203.2 million, respectively. Economics and Research Manager Doug Benzon summarized the revenue forecasting process. SBA Drake also reviewed the requested decision units, non-standard adjustments, equipment, and out-of-state travel.

Chairman Winder commended staff on the accuracy of forecasting the Department's revenue. He thanked staff for its efforts in developing the draft budget and expressed appreciation for the excellent process that has been established to prepare the budget.

Long-Range Vision Project – What We are Hearing. IPM Raino provided a summary from the Transportation Futures Workshop held in May as part of the Idaho's Transportation Future: Getting There Together process. She believes the project has reached a critical juncture; when the significant input gained through the public opinion survey, the regional workshops, and the Future Search must begin to coalesce into the key elements of the long-term vision. A Transportation Summit will be held early next month to refine a combined scenario and examine the potential effects that policy decisions and implementation strategies may have on the success of the preferred future. The Board will have an opportunity to review the draft vision before it is distributed extensively to stakeholders for review and comment.

The importance of educating the citizens of Idaho on this project and transportation in general was discussed. It was suggested that local public agencies be encouraged to include the draft vision on their meeting agendas.

Historical Designations. Acting Chief Engineer (ACE) Steve Hutchinson summarized the National Historic Preservation Act (NHPA) of 1966, whereby any federal project must take into account the effects of its actions on historic properties. He clarified the process that must be followed and which agencies are involved. He also discussed the 4(f) provisions of Title 23 and how they follow the Section 106 process of the NHPA. The Board appreciated the overview on this issue.

WHEREUPON the workshop recessed at 4:50 PM.

June 26, 2003

The Board met at 8:35 AM on Thursday, June 26 at the District 2 Office, Lewiston, Idaho. All members were present. Deputy Attorney General Steve Parry was also in attendance.

Chairman Winder welcomed Representative and former Board Member Mike Mitchell to the meeting. He thanked Representative Mitchell for his assistance during the 2003 legislative session.

May 12-15, 2003 and May 21-22, 2003 Board Minutes. Member McHugh made a motion, seconded by Member Miller, to approve the minutes of the regular Board meeting held on May 12-15, 2003 as corrected and the special Board meeting held on May 21-22, 2003, as submitted. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

July 17-18, 2003 – District 1

August 21-22, 2003 – District 6

September 18-19, 2003 - Boise

Consent Calendar. Member Miller made a motion, seconded by Member McHugh, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-29 approves the 2010 statewide rural functional classification update; the 2004 Strategic Plan, the re-appointment of the District 1 Public Transportation Advisory Council member; the appointment of the District 4 PTAC member; the supplemental agreement request for final design, US-95, Sandpoint to Kootenai Cutoff, District 1; the supplemental request for professional engineering services, US-2, Dover Bridge replacement, District 1; and the request to approve change in project scope, Public Transportation Feasibility Study, Moscow, District 2; and has received and reviewed the contract award information; the new and supplemental professional agreements report; the task force to review trip permit/truck registration system report; the quarterly report on legal actions; and the April financial statement analysis.

1) 2010 Functional Classification Map. Each District reviewed its highways to determine if functional classification changes are necessary. No changes are recommended at this time. The 2010 statewide rural functional classification system map, as shown as Exhibit 276, is made a part hereof with like effect.

2) 2004 Strategic Plan. Idaho Code requires state agencies to submit a strategic plan for program activities to the Division of Financial Management by July 1 of each year. ITD's document includes the mission, vision, goals, targets, and current measures. Other information such as strategies discussing how we are going to accomplish the goals and targets are contained in business plans and work plans throughout the Department.

3) Re-appointment of Public Transportation Advisory Council (PTAC) Member, District 1. In April, Kerri Thoreson was appointed to fill the vacancy of Ralph Nelson as the District 1 Member of PTAC. The term expires at the end of the month and staff recommended re-appointing Ms. Thoreson to another three-year term, expiring in June 2006.

4) Appointment of PTAC Member, District 4. The Division of Public Transportation followed the requirements of Idaho Code in seeking a new PTAC member to represent District 4. Based on a review of the applications and candidates' qualifications, staff recommended appointing Joe Herring to the three-year term, ending in June 2006.

5) Supplemental Agreement Request for Final Design, US-95, Sandpoint to Kootenai Cutoff, Key #1509, District 1. Staff requested a supplemental agreement in the amount of \$270,000 for engineering services to complete final design and plans, specifications, and estimate submittal for the US-95, Sandpoint to Kootenai Cutoff project. The supplemental agreement work would include additional survey and design not previously scoped, modification of and additional design resulting from right-of-way negotiations and adjustments to the project's terminus to maintain continuity with an immediately adjacent project, right-of-way assistance, and utility and maintenance agreement development. The project is currently programmed in Preliminary Development in the amount of \$8.4 million; however, the project will be a candidate for advancement within the next year if right-of-way activities are successful.

6) Supplemental Request for Professional Engineering Services, US-2, Dover Bridge Replacement, Key #1222, District 1. Staff is requesting a supplemental agreement for the US-2, Dover Bridge Replacement project, currently scheduled in Preliminary Development for \$14 million. The Department has an agreement for \$720,000 with HNTB Inc. for the design of the new bridge spanning the railroad. A Value Engineering Study was completed, resulting in a recommendation for a longer span structure due to the unstable soils that would serve as the foundation for the approach embankments. A supplemental agreement in the amount of \$500,000 is requested to complete the final design of this project.

7) Request to Approve Change in Project Scope, Public Transportation Feasibility Study, Moscow, Key #8329, District 2. In FY01, a Congestion Mitigation/Air Quality (CMAQ) project was awarded for \$37,500, including match, to conduct a public transportation feasibility study in Moscow; however, only \$13,466 was expended. The results of the study indicated a need and desire for public transportation service in Moscow. The University of Idaho pledged \$200,000 last year in match support for 5311 Rural Public Transportation Program grants received from ITD. A pilot public transportation fixed route would provide the service. It would alleviate traffic congestion and reduce vehicle trips, thereby improving air quality in a cost-effective manner. The City of Moscow, the sponsor of the FY01 CMAQ project, is requesting utilizing \$18,025 of the CMAQ funds and combining the money with 5311 Rural Program funds to purchase and operate transit

service in Moscow. The City will commit parking revenues for the next two years as match. Those revenues are estimated at \$1,323.

8) Contract Award Information. Key #7164 – US-95, Spalding Bridge, District 2. Low bidder: Idaho Construction Company - \$850,601.

Key #7830 – Kootenai Cutoff Road, Ponderay, District 1. Low bidder: Interstate Concrete & Asphalt Company - \$891,046.

Key #8816 – US-89, Utah State Line to Ovid, District 5. Low bidder: Emery, Inc. - \$430,000.

Key #8219 – SH-3, Little Potlatch Creek Bridge to Kendrick, District 2. Low bidder: Poe Asphalt Paving, Inc. – \$1,208,166.

Key #9067 – FY03 District 4 Seal Coats. Low bidder: H K Contractors Inc. - \$918,417.

Key #7904 and #8218 – US-95, Rockfall Stabilization, District 2. Low bidder: Hi-Tech Rockfall Construction Inc. - \$328,198.

Key #7906 – SH-9, Flat Creek, District 2. Low bidder: Crea Construction - \$111,338.

Key #8031 – SH-11, French Mountain Road to North City Limits, Pierce, District 2. Low bidder: DEBCO - \$256,771.

Key #9073 – FY04 District 2 Seal Coats. Low bidder: Conmat - \$520,950.

9) New and Supplemental Professional Agreements Report. From April 26 to June 6, the Consultant Administration Unit processed \$3,323,788 in professional, supplemental, and term agreements.

10) Task Force to Review the Trip Permit/Truck Registration System. An Internal Truck Registration and Economic Analysis Team has been formed to analyze and document the current truck revenue facts. It is intended that these facts will document actual revenues and indicators portraying current trends within truck registration and trip permit revenues. The Team will prepare a white paper, which will be presented to the Board, and then discuss the findings with Jack Buell. Mr. Buell is the Chairman of the Motor Carrier Advisory Committee (MCAC) and expressed concerns with the current system. If the conclusion is to establish a task force, staff believes the MCAC may be the logical group to undertake further exploration of the issues and identify options to address the concerns.

11) Quarterly Report on Legal Actions. A summary of legal cases resolved by the Legal Section between March 1 and June 1 and a status of current legal cases were provided. A Claims Status Report for the contract claims pending at various levels of review was also included.

12) April Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by approximately \$6.8 million, or 4.6%. Percentage wise, commercial registration and special fuels continue to have the largest variance in revenue collected compared to the estimated revenue. Expenditures for personnel, operating, and capital equipment are all less than budgeted through April. In contract construction, the federal program is more than spending projections by 0.7% and the state program is 32.9% less than projected.

Aviation Fuel Tax revenue received through the end of April is \$103,400, or 7.3%, less than projected, while miscellaneous revenue is 18% above last year's revenue. Overall expenditures are ahead of the same time period as last year. Revenue in the Aircraft Operations Fund is 85% of the annual estimate as of the end of the month, and operating expenditures are similar to the same time period as last year.

Annual Rest Area Status Report and Planning Map. The annual rest area status report and planning map were initially presented to the Board in February. The item was tabled

until further discussions could be held on the feasibility of establishing a special rest area program.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Board Policy B-05-14, Safety Rest Areas, requires the Chief

ITB03-30 Engineer to prepare and submit annually an updated rest area planning map, along with a brief status report, to the Idaho Transportation Board for review and approval; and

WHEREAS, additional and more improved roadside rest areas are needed on the state highway system to provide motorists convenience and safety; and

WHEREAS, the cost of constructing and operating rest areas is significant while limited funding is available for new rest areas, considering the backlog of highway improvement and maintenance needs; and

WHEREAS, opportunities are arising for joint development and operation of rest areas with other agencies which could reduce the cost impact of new rest areas on highway funding; and

WHEREAS, tourist and traveler information is an integral function of ITD rest areas, in particular, those rest areas with staffed or unstaffed visitor information centers.

NOW THEREFORE BE IT RESOLVED, that the Board understands that the Chief Engineer will review with all of the District Engineers in assembly, the updated rest area planning map dated January 2003, as shown in Exhibit 277, which is made a part hereof with like effect, and the rest area status reports; and will then report to the Board through the

Director the recommendations of the Department at one of the scheduled meetings of the Board; and

BE IT FURTHER RESOLVED, that ITD staff should actively pursue partnering when opportunities allow with other agencies in the development and implementation of new rest areas identified on the rest area planning map with costs shared on an equitable, if not equal, basis between all partners and that such partnering projects shall be presented to the Board annually for consideration along with proposals for all other capital improvement projects; and

BE IT FURTHER RESOLVED, that ITD staff is directed to work with federal, state and local tourist and economic development agencies to provide information in ITD rest areas which will complement motorist services, conveniences, and safety.

Board Items. Member McHugh stated that he attended a meeting recently with District 1 personnel. He expressed concern with low morale and employee frustration due to the lack of a change in employee compensation for the second year in a row. Most employees are seeing a decrease in take-home pay due to higher insurance premiums. He asked staff to determine the feasibility of providing a change in employee compensation through salary savings in FY04.

Member McHugh said he attended a portion of the recent Association of Idaho Cities' conference. Some comments were made that it can be difficult to work with ITD. Member McHugh encouraged staff to work closer with local public agencies. He believes communication could be improved, as one of the comments was that local officials do not know who to contact at Headquarters.

AD Ross also attended part of that conference. He concurred that ITD's customer service efforts could be improved. Chairman Winder suggested establishing a team to identify ways that the process and working relationship between ITD and local public agencies could be improved. Member McClure added that the Department has procedures and regulations that it must follow. He believes educating the locals on those procedures and regulations would be helpful.

Vice Chairman Combo said he had a visit from a gentleman from eastern Idaho recently regarding increased noise due to a seal coat project on I-15. The gentleman has contacted ITD staff. He suggested the Department establish a policy regarding speed limits on seal coat projects. Vice Chairman Combo has discussed this issue with Materials Engineer Jeff Miles. He asked that staff keep him apprised of this situation.

Member Blick mentioned that the speed limit on US-30, Kimberly Road, in eastern Twin Falls is a concern of some citizens. He has been asked to lower the speed limit. The District completed a speed study recently and the results of the study indicate that the existing 60 mile per hour limit is appropriate.

Chairman Winder met with a delegation that requested a new traffic signal and access on the east side of SH-55 (Eagle Road) south of the I-84 interchange. He asked staff to review that request.

Chairman Winder informed the Board of a letter he received from Representative Jim Oberstar, the ranking minority member of the House Transportation and Infrastructure Committee. The U.S. Congressman expressed appreciation for the informative visit to Boise in April and expressed support to improve the nation's transportation system.

Chairman Winder received a letter from Xybernaut Solutions, Inc. regarding enterprise management issues. He asked staff to respond.

Acting Director's Items. AD Ross and other staff members attended the recent American Association of State Highway and Transportation Officials (AASHTO) and Western Association of State Highway and Transportation Officials meetings. Both conferences focused on the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21). Both groups support a six-year transportation bill, as it would provide more stability and facilitate planning efforts. Environmental streamlining was also a topic of discussion at AASHTO and the five-state coalition had an opportunity to meet with Federal Highway Administrator Mary Peters. He also mentioned that he co-signed a letter authored by the director of the North Dakota Department of Transportation. The letter is in response to HR180 addressing the Scenic Byways and Infrastructure Preservation Act and making truck weight limits more restrictive.

AD Ross reported that the Department's new security system has been fully activated.

Acting Chief Engineer's Items. ACE Hutchinson reported that staff has some concerns with the current access policy and that exceptions need to be made. He requested an opportunity to discuss access and resolve the issues at a future workshop. In response to Chairman Winder's question on whether spacing is an issue, ACE Hutchinson replied that spacing is one concern. Others include safety and functional classification.

Repeal of IDAPA 39.03.46, Rules Governing Studded Tires. Due to the passage of legislation during the 2003 session, ACE Hutchinson requested the repeal of IDAPA 39.03.46, Rules Governing Studded Tires. Items in the rule that have been incorporated into statute include the dates that studded tires are prohibited, exemptions for fire fighting equipment, and that special exemptions may be granted by the Board.

Vice Chairman Combo made a motion, seconded by Member McHugh, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board recognizes the passage of House Bill

ITB03-31 231 in the 2003 legislative session; and

WHEREAS, HB 231 incorporated the content of administrative rule IDAPA 39.03.46, Rules Governing Studded Tires, into Section 49-948, Idaho Code; and

WHEREAS, the Board has authority under Section 40-312, Idaho Code, to prescribe rules and regulations affecting state highways.

NOW THEREFORE BE IT RESOLVED, that the Board approves the staff recommendation to repeal administrative rule IDAPA 39.03.46; and

BE IT FURTHER RESOLVED, that the Board directs staff to prepare and submit appropriate rulemaking to the Office of Administrative Rules.

Addition of Canyon County Planning to FY03 Federal-aid Program, District 3. ACE Hutchinson requested the addition of a new project, Canyon County Planning, to FY03 of the Surface Transportation Program (STP) – Local Urban Program. The \$464,000 project will include a Downtown Caldwell Circulation Plan and a Nampa Concept Report for the extension of Middleton Road. The project will be funded by the delay of Aviation Way from FY03 to FY08 of the Local Urban Program in the amount of \$429,000 and with the release of \$35,000 in FY03 preliminary engineering from the Intersection Garrity and North Kings Road, Nampa project. The Urban Committee concurs with these changes.

Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department

ITB03-32 to accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, the Transportation Equity Act for the 21st Century (TEA-21) of 1998 requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Surface Transportation Program (STP) – Local Urban Committee proposed the addition of Canyon County Planning at its April 25, 2003 meeting; and

WHEREAS, the STP – Local Urban Committee proposed the delay of Aviation Way at its April 25, 2003 meeting.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the addition of a new project costing \$464,000 to FY03 of the STP – Local Urban Program called Canyon County Planning and the delay of Aviation Way (key #7673, project #STP-7993(100)) from FY03 to FY08 of the STP – Local Urban Program; and

BE IT FURTHER RESOLVED, that staff is authorized to modify the FY03-05 STIP to reflect these revisions, in accordance with the provisions of TEA-21.

Contract Awards. ACE Hutchinson said the low bid on STP-4200(133), key #8360 – US-12, Suttler Creek to Milepost 113.8, Idaho County, District 2, was more than ten percent over the engineer's estimate, requiring justification. The items of major difference between the engineer's estimate and the apparent low bidder are in the 19mm Aggregate for Base, Plant Mix Paving Including Asphalt, Metal Guardrail, Shoulder Grading, and Mobilization items. Staff does not believe there will be cost savings if the project is readvertised. Based on the review of the bids, and the desire to complete the project prior to the Lewis and Clark Bicentennial, the District recommends awarding the project.

Member Sweeney made a motion to award the contract on key #8360 to the low bidder: United Rentals Highway Technologies, Missoula, Montana - \$660,796.72. Member Miller seconded the motion and it passed unopposed.

ACE Hutchinson reported that the low bid on STP-3280(102), key #5130 – US-20, Eagle Road to Cloverdale Road, Ada County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The source of the engineer's estimate was the average unit price report. The items of major difference were Sound Wall and Mobilization. The mobilization item included premium night work, night lighting, and incidental landscape repair. The project included A & B bidding specification, which requires daily double shifts, seven days a week, to receive an incentive. The project is

the first of three scheduled to improve the congestion and safety on a major commuter route between Boise and the Nampa/Caldwell area. The District believes there is an urgent need for this project, and based on the review of the bids, recommends awarding the project.

Member McHugh made a motion to award the contract on key #5130 to the low bidder: Idaho Sand & Gravel Company Inc., Nampa, Idaho - \$2,048,619.64 (A) + \$2,381,119.64 (B). Member McClure seconded the motion.

Member McClure commented on the expense of sound walls. He asked if there are other options that would be more cost effective. ACE Hutchinson replied that a number of innovations are being developed. Staff will continue to research this issue and consider its options. Chairman Winder suggested a future presentation on sound walls.

The motion passed unanimously.

The low bid on project ST-3220(616), key #9071 – I-84B, Caldwell Signal Detection Repair, Canyon County, District 3, was more than ten percent over the engineer's estimate, requiring justification. ACE Hutchinson said that on a typical traffic signal project, the signal control cabinet and foundation and video detection equipment would be included under the 656 signalization materials list and estimated as a lump sum. For this bid, it was itemized. This type of alteration for an existing traffic signal modification has not been done in the past, resulting in the engineer's estimate being too low due to the lack of unit price information. Based on the District's research and review of the bid, it recommends awarding the contract.

Vice Chairman Combo made a motion to award the contract on key #9071 to the low bidder: Quality Electric Inc., Boise, Idaho - \$43,265.60. Member Miller seconded the motion and it passed unopposed.

ACE Hutchinson said that the low bid on projects ST-7575(605), ST-7605(602), ST-4160(602), and ST-4117(602), keys #9081, #9086, #9083, and #9084 – SH-41, Seltice Way to North of Scarcello Road; Seltice Way, Eastbound Off Ramp to SH-41; SH-8, Washington State Line to Jackson Street; and US-12, Dike Route; Kootenai, Nez Perce,

and Latah Counties, Districts 1 and 2 was more than ten percent over the engineer's estimate, requiring justification. This contract is for road armoring and is the first time this type of work is being advertised in either District. The engineer's estimate was developed using Estimator along with average unit price book where applicable. The major differences between the engineer's estimate and the low bid are in Cold Milling and Mobilization. Staff believes the cold milling was estimated low, as it did not factor the availability, proximity, and the number of separate disposal sites that will be required. The mobilization was estimated low because it did not consider that the contract encompasses four separate projects in two Districts. The expense of moving material and equipment to each separate location would result in increased mobilization costs. The District does not foresee a cost savings or advantage in re-advertising the project. Based on the review of the bids, it recommends awarding the contract.

Vice Chairman Combo made a motion to award the contract on keys #9081, #9086, #9083, and #9084 to the low bidder: Interstate Concrete & Asphalt Company, Coeur d'Alene, Idaho - \$977,790.48. Member McClure seconded the motion and it passed unopposed.

Revisions to Administrative Rule IDAPA 39.03.22, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. The passage of Senate Bill 1053 allows longer combination vehicles (LCVs) up to a maximum overall length of 115 feet, and passage of House Bill 395 created a pilot project for qualifying LCVs to operate at weights above 105,500 pounds up to 129,000 pounds on select state highways. Port of Entry Manager (POEM) Alan Frew requested revisions to IDAPA 39.03.22 to coincide with the legislative changes. The first modification will change the current maximum vehicle length of 105 feet overall to the allowed 115 feet, to be uniform with Idaho Code. The second modification will clarify that all permitted LCVs except triples combinations are required to have the off-track form completed as part of the permitting requirements. The last revision will clarify the operating and reporting requirements for those vehicles participating in the pilot project.

Member Blick said he does not support the pilot project legislation. He indicated his opposition to the proposed rule changes is in disagreement with the legislation, not with the actual rule revisions.

Member Sweeney made a motion, seconded by Member McClure, and passed 5-1 with Member Blick dissenting, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board recognizes the passage of
Senate

ITB03-33 Bill 1053 and House Bill 395 in the 2003 legislative session; and

WHEREAS, the Board recognizes the need to modify administrative rule, IDAPA 39.03.22, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations, to clarify the allowed overall length for Longer Combination Vehicles (LCVs), and the operating and reporting requirements for vehicles participating in the Pilot Project at combined gross vehicle weights up to 129,000 pounds; and

WHEREAS, the Board has authority under Section 40-312, Idaho Code, to prescribe rules and regulations affecting state highways.

NOW THEREFORE BE IT RESOLVED, that the Board approves the staff recommendation modifying Administrative Rule IDAPA 39.03.22; and

BE IT FURTHER RESOLVED, that the Board directs staff to prepare and submit appropriate rulemaking to the Department of Administration, Office of Administrative Rules, with an effective date of July 1, 2003.

POEM Frew referenced the earlier Board request to determine if there is interest from other states in establishing more uniform overweight fines. In discussion with the Highway Transport Subcommittee of AASHTO, it was decided that each state should establish vehicle overweight fines at levels that both offset damage to the highways and bridges and deter violations. The subcommittee did not recommend a uniform fine structure, but will poll the various jurisdictions to determine what the fines are and how they were established.

Temporary Rule Proposal to Implement New Federal Requirements for Commercial Drivers License (CDL) Holders with Hazardous Materials Endorsements. The Uniting and Strengthening America Act by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USAPATRIOT Act), enacted by Congress in

October 2001, requires states to comply with the new provisions by November 3, 2003, according to Motor Vehicle Administrator (DMV) Morris Detmar. The Federal Motor Carrier Safety Administration can withhold 5% of a state's annual appropriation of National Highway System, STP, and Interstate Maintenance funds for the first year of non-compliance. Additional years of non-compliance would result in the withholding of 10% of those states' funds.

DMV Detmar presented a draft rule to implement the new federal requirements for CDL holders with hazardous materials endorsements. Because the federal government has not completed establishing the process, a request to delay the November deadline is pending. Additional information on this issue and the proposed rule will be presented to the Board later.

District 2 Adopt-A-Highway Award. Member Sweeney thanked the Veterans of Foreign War Sourdough Post of Lewiston for participating in the Adopt-A-Highway Program since 1991. The group was recognized as the District 2 group of the year for its service to the Department and state. Chairman Winder also thanked the members of the group for their service to the country. He recognized all veterans attending the meeting.

Delegation – Keith Petersen, Idaho's Lewis and Clark Bicentennial Coordinator. Mr. Petersen distributed brochures and provided information on the Lewis and Clark Bicentennial. A number of agencies have been involved with planning for the Bicentennial. He thanked ITD, particularly District 2 staff, for its partnership in the efforts.

In response to Chairman Winder's question on how the Board can help, Mr. Petersen responded that ITD has already provided a lot of assistance. The majority of events have already been planned and now it is a matter of waiting for the Bicentennial and enjoying the various activities. Chairman Winder thanked Mr. Petersen for the information and for his efforts with this event.

Meeting with the Aeronautics Advisory Board (AAB). AAB Member Bill Parish introduced Rodger Sorensen as the newly-elected AAB Chairman. AAB Chairman Sorensen expressed appreciation for the opportunity to serve on the AAB and for the support he has received from the Board and staff. He emphasized the AAB's desire to make aeronautics more visible in the state and promote tourism and opportunities for

people to visit Idaho's airports. He suggested that the Lewis and Clark Bicentennial should be considered as a promotional opportunity. AAB Chairman Sorensen also mentioned that the AAB is exploring options to increase revenue and will report its findings to the Board in the future.

Chairman Winder thanked the AAB members for their dedication to aviation and the state. He also thanked the AAB and Aeronautics staff for coordinating the informative backcountry airstrip tour last year. He believes it was a beneficial trip and resulted in a better partnership with the Forest Service.

Aeronautics Administrator (AA) Bob Martin commented that the usage of the state's air pool has declined. Most state agencies do not consider the expediency in transporting employees throughout the state as a concern, and consider the state aircraft as extravagant. He presented several options to address the air pool: sell the airplanes; continue the current funding method; have all state agencies pay air pool fixed costs because the aircraft are available for all state agencies to use; have the highest percentage users pay the fixed costs; recover all costs through flight rates; and increase air pool by extending service to federal agencies. AA Martin reported that he has discussed the air pool situation with the Governor. The Governor's Office encouraged increasing usage. AA Martin also provided cost comparisons of traveling to Coeur d'Alene and Idaho Falls by state car and by state aircraft.

Member McHugh asked staff to include travel cost comparisons for commercial flights. Chairman Winder expressed concern with providing service to federal agencies. He does not want the Division of Aeronautics perceived as a competitor for commercial service. The consensus of the Board was to increase marketing efforts on the state's air pool service and to explore the feasibility of establishing set rates.

Discussion on the air pool continued during an informal luncheon. Member McClure questioned the feasibility of a special appropriation from the legislature and also encouraging legislators to utilize the state plane. Representative Mitchell believes the legislature may be receptive to an appropriation if the Governor and state agencies support that.

AA Martin said he will continue to explore options and refine data on the state's aircraft. Chairman Winder thanked the AAB and AA Martin for their continued work on this issue.

Request to Remove Atlas Road Bike Path, Key #8373, District 1, from the FY03 Enhancement Program. IPM Raino reported that the City of Coeur d'Alene requested the removal of the Atlas Road Bike Path project from FY03. The City indicated that it can develop the project with greater ease outside the requirements associated with a federal-aid project. The Kootenai Metropolitan Planning Organization supports the request.

Member McClure made a motion, seconded by Member Sweeney, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the City of Coeur d'Alene has requested that key #8373,
Atlas

ITB03-34 Road Bike Path be removed from the Kootenai Metropolitan Planning
Organization (KMPO) interim Transportation Improvement Program; and

WHEREAS, the City indicates it can develop the project in a more cost effective manner outside the federal-aid requirements; and

WHEREAS, KMPO, after due consideration at its May 1, 2003 Policy Board meeting, has requested that key #8373, Atlas Road Bike Path be removed from the FY03 Statewide Transportation Improvement Program (STIP).

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the removal of key #8373, Atlas Road Bike Path, programmed at \$130,000, from the Enhancement Program of the FY03 Highway Development Program; and

BE IT FURTHER RESOLVED, that staff is authorized to amend the FY03 STIP to reflect this revision, in accordance with the provisions of the Transportation Equity Act of the 21st Century.

Request for Enhancement Funding Increase, Boyer Avenue Connector Pathway, Key #8372, District 1. The City of Sandpoint has requested an increase of \$50,000 in construction funding for the Boyer Avenue Connector Pathway project. The increase would bring the total project cost to \$298,000 for the FY03 project, and would raise the federal aid limit from \$232,000 to \$278,775. The City's local matching rate is 6.45%, so the request includes \$46,775 in federal aid and \$3,225 in local funds. IPM Raino explained that the increase is due to inflation and unforeseen construction items when the funding application was prepared. District 1 has been working with the City. It believes the issues are legitimate and supports the City's request.

Member McHugh made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, anticipated construction funds needed for the City of Sandpoint's

ITB03-35 Boyer Avenue Connector Pathway Project (key #8372) are expected to exceed the current programmed amount; and

WHEREAS, an offset is available within the 2003 STP-Enhancement Program; and

WHEREAS, anticipated cost increases are due to bid price inflation and unforeseen standard construction items needed to build the project; and

WHEREAS, the scope and limits of the project will remain unchanged.

NOW THEREFORE BE IT RESOLVED, that construction funding for key #8372, Boyer Avenue Connector Pathway, shall be increased by \$50,000 for a total project cost of \$298,000. The federal-aid limit for this project

shall be increased from \$232,000 to \$278,775. The local matching rate will remain at 6.45%, which is the amount shown in the original funding application.

Request Reduction in Match Ratio, Soda Springs Corridor, Phase I, Key #8912, District 5. IPM Raino stated that the Soda Springs Corridor, Phase I project, scheduled in FY05, consists of landscaping, lighting, and pedestrian enhancements in Soda Springs. The match ratio was approved at 27% and included both in-kind work valued at \$96,000 and cash match valued at \$90,000. The value of the in-kind work in the application was based on ITD contract unit prices; however, the City must value in-kind work based on its actual costs for such items as labor, equipment, and materials. This actual cost is less than ITD contract pricing. The City of Soda Springs has requested that this mistake be corrected on the application. All of the in-kind match items will still be performed by City forces at actual cost of about \$60,000. The federal-aid limit of \$500,000 for the project will not change. The City will provide the \$90,000 cash expressed in its application, which will result in a match ratio of 15.2%.

Tony Varilone, Soda Springs City Council Member, expressed the City's support for this project and encouraged the Board to approve the reduced match. He believes the Enhancement Program application process could be improved. He asked the Board to review the process and determine if it could be simplified. He suggested establishing a team of ITD staff, applicant representatives, and private engineering representatives to provide clarification and consistency to the application process.

Chairman Winder thanked Council Member Varilone for his remarks. He asked staff to consider improving the Enhancement Program application process.

Member McHugh made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board recognizes the need for flexibility

ITB03-36 and funding partnerships for enhancement projects; and

WHEREAS, the Board recognizes the need to ensure that the sponsor's in-kind work is properly valued and complies with ITD and FHWA policies and guidelines, as well as the need to make modifications to the match ratio as shown in the application and obligation documents for this FY05 Enhancement project; and

WHEREAS, the Board recognizes that the federal-aid limit of \$500,000 and cash match for project STP-1500(105), key #8912, Soda Springs Corridor Phase I, will not be affected by revising the match ratio from 27% to 15%; and

WHEREAS, the Board recognizes that the City of Soda Springs' cash contribution of \$90,000 will provide a 15% match ratio for the project, and the City's in-kind work will be shown in the final project and agreements as non-participating work.

NOW THEREFORE BE IT RESOLVED, that the Board approves the staff recommendation modifying the match ratio for key #8912; and

BE IT FURTHER RESOLVED, that the Board directs staff to make necessary revisions to the project documentation and accounting to revise the match ratio from 27% to 15% utilizing the City's \$90,000 cash match, and further to credit any in-kind match toward the project on a non-participating basis.

Delegation – Eastbourne Investments. Mike Ballantyne with Thornton Oliver Keller, representing Eastbourne Investments, asked the Board to consider a partnership project to construct a new interchange on I-84 at 10 Mile Road in District 3. The project has been identified as a priority in the COMPASS I-84 corridor study. A preliminary concept report has been completed. The proposal is to begin planning and engineering the interchange on an expedited schedule, with \$5 million from the private sector. Eastbourne Investments would be responsible for the design of the project, the environmental studies and obtaining NEPA clearance if necessary, and acquiring right-of-way. Mr. Ballantyne requested the project be included in the FY05 program with construction to commence in the fall of 2004. The estimated cost of construction is \$25.4 million.

Mr. Ballantyne provided letters of support for the project from the Cities of Kuna and Meridian, COMPASS, the Boise Metro Chamber of Commerce, and Saint Alphonsus Regional Medical Center. He also referenced the need to widen I-84 to six lanes from Ten Mile Road to Meridian Road and reconstruct the Meridian Interchange. Although it is desired to construct the three projects in close proximity, he believes the latter two projects could be postponed.

AD Ross asked how the new interchange would relate to COMPASS's proposal to extend SH-16 to I-84. COMPASS Deputy Director Erv Olen replied that the SH-16 corridor has not been refined. The agency is in the process of evaluating the SH-16 corridor. He added that the Ten Mile Interchange is the agency's next interchange priority.

Member McClure asked Assistant District 3 Engineer Eric Shannon for comments. ADE Shannon concurred that the Ten Mile interchange project has been identified as a priority in the I-84 Corridor Study. Although the District supports the proposed project, it believes widening the interstate and reconstructing the Meridian Interchange should be done in conjunction with the new interchange project.

Member McClure asked about the NEPA process and time lines. Eric Davis with Retail West Properties, LLC, representing Eastbourne Investments, replied that a preliminary report does not foresee environmental problems; however, they will continue working on the environmental issues. Mr. Ballantyne added that no set schedule has been established yet. He emphasized that the group wants to work with the Board and ITD on resolving issues and making the project a reality.

Chairman Winder said he may have a potential conflict of interest with the partnership proposal due to his mayoral candidacy. He excused himself from chairing the meeting for the remainder of this discussion. Vice Chairman Combo presided.

The Board expressed support for partnering. It asked staff to look at the feasibility of programming the I-84/Ten Mile interchange project, identify impacts, and report back to the Board at a future meeting.

Mr. Ballantyne thanked the Board for its time and for being receptive to this proposal. He also expressed appreciation to ITD staff for its assistance on this project.

Delegation – Lewis and Clark Valley Metropolitan Planning Organization (MPO). Kevin Poole, Lewis and Clark MPO Vice Chairman, reported on the organizational efforts for the newly-created MPO. He thanked ITD staff for its assistance in establishing the MPO.

Mr. Poole also mentioned that he is a representative to the Association of Idaho Cities. The Association would like to establish a task force with ITD. The purpose would be to improve relationships between cities and ITD, with education as the main focus. It is important for the two groups to have a better understanding of each others' processes, the regulations that must be followed, and the issues they face.

Chairman Winder thanked Mr. Poole for the update on the MPO. He expressed support for the Association of Idaho Cities' task force with ITD and expressed the Board's desire to meet with local public agencies as it tours the state. The Board is interested in local issues and working together on transportation issues.

Delegation – City of Orofino. City of Orofino Administrator Rick Laam thanked the Board for its support. He expressed appreciation to District Engineer Jim Carpenter and his staff for the assistance it provides the city.

Chairman Winder thanked Mr. Laam for his comments. He said the Board wants to know about Orofino's transportation concerns and work cooperatively with the City.

Executive Session on Legal and Personnel Issues, Section 67-2345(1)(f) and (a), Idaho Code. Member Blick made a motion to meet in executive session at 2:25 PM to discuss legal and personnel matters. Member Miller seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussion on legal issues included a report on probable litigation.

The general tenor of the discussion on personnel matters included hiring a public officer to fill a non-elective office.

The Board came out of executive session at 3 PM. No decisions were made.

New Business. Member McHugh made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board had previously authorized a
ITB03-37 \$700,000 commitment in State STP federal-aid funds for project STP-
7124(100), key #5419 with the City of Lewiston to cover all other costs of
the project; and

WHEREAS, the City has contributed \$1,400,000 to the project; and

WHEREAS, the engineer's estimate for the project was \$2,409,000; and

WHEREAS, the City has a balance due with the Department of
\$293,891.49 for all construction costs; and

WHEREAS, the pavement on the project has certain latent defects in it
which the City and the Department have filed a claim against the
contractor; and

WHEREAS, the engineer's estimate to repair the pavement is \$350,000;
and

WHEREAS, the Board wishes to allow the City to repair the city street in a timely manner.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes staff to negotiate the following agreement with the City:

- 1) The City shall assign its cause of action against the contractor to the Department with any recovery going to the State Highway Account;
- 2) The Department is authorized to eliminate the \$293,891.51 due and owing from the City. The Board authorizes an additional \$45,108.51 in State STP funds to be applied to the City's repair of its street;
- 3) The City can apply to LHTAC for additional funding; and
- 4) As part of the agreement, the City will be responsible for the repairs to the pavement on East Main Street.

Tour of District 2. The Board departed Lewiston east on US-12. The group stopped at the US-12 passing lane project under construction before arriving in Lowell.

WHEREUPON the meeting and tour recessed at 5:45 PM.

June 27, 2003

The Board met at 7:50 AM on Friday, June 27 at Lowell, Idaho. The Board continued its tour of District 2 by traveling east on US-12.

Lolo Pass Visitor Center/Rest Area Dedication. The Board members participated in the dedication of the recently-completed visitor center and rest area at Lolo Pass on the Idaho/Montana border.

WHEREUPON, the Transportation Board's workshop, regular monthly meeting, and District 2 tour officially adjourned at 12:45 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

July 18, 2003

Coeur d'Alene, Idaho

IDAHO'S TRANSPORTATION FUTURE WORKSHOP,

REGULAR MEETING, AND DISTRICT THREE TOUR

OF THE IDAHO TRANSPORTATION BOARD

May 12-15, 2003

The Idaho Transportation Board met at 1 PM, on Monday, May 12, 2003, at the Hilton Garden Inn, Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Acting Director

Chairman Winder thanked the stakeholders from throughout the state for participating in the Idaho Transportation Futures – Getting There Together workshop. He believes the Department has undertaken an important process to determine the future needs of the state in the transportation arena, plan for changes, and identify ways to address the future. The Board participated in various activities and received a summary of the earlier workshops conducted all over the state.

WHEREUPON the workshop recessed at 4:50 PM.

May 13, 2003

The Board met at 8:35 AM on Tuesday, May 13 at the Hilton Garden Inn, Boise, Idaho. All members were present, including District 4 Member Gary Blick.

The Board continued its participation in the Idaho Transportation Futures – Getting There Together workshop. Exercises were conducted to envision transportation in the year

2033. The participants were divided into three groups, by region, to identify specific issues and projects for the future. Some of the groups continued their assignment following an informal dinner.

WHEREUPON the workshop recessed at 7 PM.

May 14, 2003

The Board met at 8:30 AM on Wednesday, May 14 at the Hilton Garden Inn, Boise, Idaho. All members were present.

The Idaho Transportation Futures – Getting There Together workshop concluded with presentations by the three regional groups on transportation in the year 2033. A synopsis of the groups' visions will be compiled and a future transportation summit planned.

Chairman Winder thanked the Division of Transportation Planning for coordinating this important process and the consultants for their assistance. He also thanked the stakeholders for participating in the workshop, as transportation is a major issue that needs to be addressed by impacted and interested parties; not just by ITD. The workshop adjourned at 11:55 AM.

The Board traveled to the District 3 Office, 8150 Chinden Boulevard, Boise, Idaho for the regular monthly meeting. Steve Hutchinson, Acting Chief Engineer (ACE), and Steve Bywater, Deputy Attorney General (DAG), were in attendance.

Executive Session on Legal Issues, Section 67-2345(1)(f), Idaho Code. Member Sweeney made a motion to meet in executive session at 12:35 PM to discuss legal matters. Member McHugh seconded the motion and it passed 5-0 by individual roll call vote. Member Miller was absent during the vote; however, he attended the executive session and regular meeting.

The general tenor of the discussions on legal issues included a report on the outcome of pending litigation regarding non-responsive bids and updates on pending and potential litigation.

The Board came out of executive session at 1:35 PM. No decisions were made.

April 17-18, 2003 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Miller, to approve the minutes of the regular Board meeting held on April 17-18, 2003 as submitted. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

June 25-27, 2003 – District 2

July 17-18, 2003 – District 1

August 21-22, 2003 – District 6

Chairman Winder relayed Governor Kempthorne's request for agencies to monitor spending and cut expenses if possible. He questioned the Board's attendance at the upcoming Western Association of State Highway and Transportation Officials' (WASHTO) meeting in Salt Lake City, Utah. The consensus of the Board was that the WASHTO meeting was beneficial, and that a limited number of members should attend. Acting Director (AD) Ross said that the number of ITD staff attending WASHTO will be reduced this year; however, it is an important meeting, particularly this year with the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) underway.

Consent Calendar. Member Sweeney made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-21 approves the FY04 out-of-state travel request; request for additional consultant services, US-30, Eastland to 3200 East, District 4; approval to exceed term agreements, US-91, Wooton Way to East Airport Road, District 5; speed minute entry changes, SH-33, District 6; and speed minute entry changes, US-93, District 6; and has received and reviewed the contract award information; the new and supplemental professional agreements report; and the March financial statement analysis.

1) FY04 Out-of-State Travel. The FY04 out-of-state travel request was previously approved by the Board in June 2002 in the amount of \$433,842. The revised request has been decreased to \$426,913.

2) Request for Additional Consultant Services, US-30, Eastland to 3200 East, Twin Falls, Key #8367, District 4. The Eastland to 3200 East project is scheduled in preliminary development for \$2.6 million. The project consists of reconstructing the intersection of US-30 and Eastland and rehabilitating the pavement from the intersection to 3200 East. Washington Infrastructure developed two environmental studies, prepared an approved concept report, and completed preliminary engineering under an original agreement for \$200,000. District 4 would like the consultant to finalize design and submit the plans, specifications, and estimates package at an estimated cost of \$190,000, which exceed term limits.

3) Approval to Exceed Term Agreements, US-91, Wooton Way to East Airport Road, Blackfoot, Key #7683, District 5. An additional study, railroad liaison, and redesign to shift from the historic zone onto railroad property are needed for this widening project. The additional work will cost \$206,000, bringing the total agreement to \$456,000 for this FY07 project.

4) Speed Minute Entry Changes, SH-33, District 6. Staff evaluated a segment of SH-33 west of Rexburg to determine what measures could be taken to reduce the accidents at the SH-33 and 2000 West intersection and through the curves to the west. Based on the accident records of this segment and the continued development in the area, the following speed minute entry changes are recommended:

<u>Route</u>	<u>Segment</u>	<u>Milepost</u>	to	<u>Milepost</u>	<u>Speed Limit</u>
SH-33	002460	76.157		76.915	55 MPH

SH-33	002460	76.915	78.474	45 MPH
-------	--------	--------	--------	--------

5) Speed Minute Entry Changes, US-93, District 6. Based on a traffic investigation, staff recommends the following speed minute entry changes:

<u>Route</u>	<u>Segment</u>	<u>Milepost</u>	to	<u>Milepost</u>	<u>Speed Limit</u>
US-93	002220	159.766	160.382	65 MPH	
US-93	002220	244.325	245.779	65 MPH	
US-93	002220	247.150	263.080	65 MPH	
US-93	002220	263.080	273.800	55 MPH	
US-93	002220	273.800	303.970	65 MPH	
US-93	002220	303.970	304.240	45 MPH	
US-93	002220	304.240	304.440	35 MPH	
US-93	002220	305.930	306.510	45 MPH	
US-93	002220	306.510	326.140	65 MPH	
US-93	002220	326.450	346.010	65 MPH	
US-93	002220	346.010	350.819	45 MPH	

6) Contract Award Information. Key #9050 – US-20, North Rigby Interchange Deck Repair, District 6. Low bidder: Cannon Builders, Inc. - \$175,599.

Key #7727 – US-30, Hansen to Main Canal Bridge, District 4. Low bidder: Western Construction, Inc. - \$1,257,676.

Key #8371 – FY03 District-wide Guard Rail Upgrade, District 4. Low bidder: Marcon Inc. - \$353,755.

Key #7182 – US-30, Intersection Hawthorn and Garrett Way, Pocatello, District 5. Low bidder: Beco Construction Company, Inc. - \$383,808.

Key #8496 and #8129 – US-93, Main Avenue Challis, and Challis Spur, District 6. Low bidder: Beco Construction Company, Inc. - \$983,298.

Key #8460 and #8461 – US-93, Challis North and Salmon River Bridge North, District 6. Low bidder: H K Contractors Inc. - \$2,481,913.

Key #9076 – FY03 District-wide Seal Coats, District 6. Low bidder: H K Contractors Inc. - \$978,078.

7) New and Supplemental Professional Agreements Report. From March 29 to April 25, the Consultant Administration Unit processed \$1,826,458 in professional, supplemental, and term agreements.

8) March Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by approximately \$8 million, or 5.8%. Percentage wise, commercial registration and special fuels have the largest variance in revenue collected compared to the estimated revenue. Expenditures for personnel, operating, and capital equipment are all less than budgeted through March. In contract construction, the federal program is more than spending projections by 1.2% and the state program is 31.4% less than projected.

Aviation Fuel Tax revenue received through the end of March is \$30,900, or 2.5%, less than projected, while miscellaneous revenue is 14% above last year's revenue. Overall expenditures are ahead of the same time period last year. Revenue in the Aircraft Operations Fund is 79% of the annual estimate as of the end of the month, and operating expenditures are similar to the same time period as last year.

Speed Minute Entry Changes, SH-33, District 6. The Teton County Commissioners and Teton County Sheriff requested a speed study be conducted on a portion of SH-33 between Tetonia and the Wyoming line. Based on an increased accident rate, Teton County being one of the fastest growing areas of the state, and input from law enforcement, staff recommends changing the existing 65 MPH speed limit as follows:

<u>Route</u>	<u>Segment</u>	<u>Milepost</u>	to	<u>Milepost</u>	<u>Speed Limit</u>
SH-33	002460	133.115		140.285	55 MPH
SH-33	002460	142.400		149.086	55 MPH
SH-33	002460	150.115		155.084	55 MPH

Member McClure questioned if the 85th percentile speed will decrease on this route if the changes are approved. He requested that staff conduct another speed study in one year to determine the impacts of this change if the recommendation is approved. Vice Chairman Combo emphasized that enforcement is the key. Idaho State Police (ISP) has been involved with this issue and is concerned about its lack of manpower to patrol SH-33 and enforce the speed limit. Vice Chairman Combo asked AD Ross to write to the county sheriff emphasizing the importance of enforcement of speed limits and encouraging him to coordinate enforcement efforts with ISP.

Vice Chairman Combo made a motion to accept staff's recommendations to change the speed limit on portions of SH-33 from Tetonia to the Wyoming line from 65 to 55 MPH as noted above. Staff is also to complete a speed study on this route in one year and write to the county sheriff regarding enforcement. Member Miller seconded the motion and it passed unopposed.

Speed Minute Entry Changes. Staff presented speed minute changes that were processed in April. Via city ordinances, the following changes were made:

City of Soda Springs, District 5

<u>Route</u>	<u>Segment</u>	<u>Milepost</u>	to	<u>Milepost</u>	<u>Speed Limit</u>
US-30	002040	404.480		404.550	35 MPH
US-30	002040	406.076		406.270	45 MPH

City of St. Anthony, District 6

<u>Route</u>	<u>Segment</u>	<u>Milepost</u>	to	<u>Milepost</u>	<u>Speed Limit</u>
US-20B	002075	346.570		346.940	30 MPH
US-20B	002075	346.940		347.151	30 MPH
US-20B	002075	347.151		347.351	45 MPH

Additionally, District 5 made the following changes as a result of a speed study:

<u>Route</u>	<u>Segment</u>	<u>Milepost</u>	to	<u>Milepost</u>	<u>Speed Limit</u>
US-91	002350	117.960		118.400	35 MPH
US-91	002350	118.539		119.000	45 MPH
US-91	002350	119.200		119.440	45 MPH

Member McClure requested that the existing speed limit on the portions of highway immediately preceding and following the changed sections be included in future speed minute entry reports.

Status of New Metropolitan Planning Organizations (MPOs). The Kootenai Metropolitan Planning Organization (KMPO) was designated as the MPO for the Coeur d'Alene Urbanized Area and Kootenai County by Governor Kempthorne in February. The interagency agreement, fiscal agreement between KMPO and ITD, and consolidated planning grant based on KMPO's approved unified planning work program have been executed. This will allow KMPO to be reimbursed for planning tasks outlined in the unified planning work program.

The Lewis Clark Valley MPO was named last month, with the City of Lewiston and Nez Perce County, Idaho and the City of Asotin and Asotin County, Washington as its members. The City of Clarkston is an ex-officio member at this time and could join the MPO in the future. Bylaws have been adopted by the member agencies and the draft

interagency agreement, fiscal agreement, and the consolidated planning grant have been prepared. Once these are executed, MPO designation will be sought from the governors of Idaho and Washington.

Member McClure asked why the City of Clarkston is not an official member of the MPO. Member Sweeney believes it has to do with its population. Clarkston has approximately 13% of the MPO's population. The MPO is still new and getting organized, so he believes Clarkston may join the MPO in the future.

The Nampa Urbanized Area agencies: Canyon County, the cities of Nampa, Caldwell, and Middleton, and the Canyon County and Nampa Highway Districts, adopted resolutions requesting the Community Planning Association of Southwest Idaho (COMPASS) be their MPO. COMPASS has been conducting regional transportation planning for local governments in Canyon County since 1999. Designation by the Governor may not be pursued because federal guidance states that an existing MPO planning area can be modified to incorporate the new adjacent area rather than establish a new MPO.

Board Items. Chairman Winder met recently with City of Nampa officials and representatives of Smart Growth to discuss air quality and environmental issues. He commented that although Idaho receives approximately \$8 million in Congestion Mitigation/Air Quality (CMAQ) funds, ITD is using about half of that amount specifically for CMAQ projects. In a national report on the CMAQ Program, Idaho rated low. He believes there are other projects ITD constructs that are beneficial to the environment and help air quality that are not included in this report. He asked staff to review its reporting mechanism and determine if it could be revised to include all projects that address air quality and environmental issues.

Chairman Winder informed the Board that he had discussions with the Ada County Highway District (ACHD) regarding the SH-55, Island Woods traffic signal. The project is \$35,000 over the engineer's estimate, and Chairman Winder expressed his support for the project and ITD providing the additional funds.

Last week Chairman Winder met with homeowners and law enforcement to discuss the speed limit on SH-55 (Eagle Road). A speed study was requested from Chinden to McMillan, as there is interest in reducing the speed limit in that area. District 3 Engineer

Pamela Lowe reported that staff is aware of those concerns and is planning to conduct a speed study.

When the Department receives state insurance refunds, Member McHugh asked if that money could be credited to the Districts based on their safety records. He believes that would be an incentive for the Districts to place a higher emphasis on safety and be more aware of safety. Administrative Services Division Administrator Susan Simmons responded that the Department's payroll costs are reduced when it submits limited insurance claims. ITD does not receive a check. Crediting the Districts for the reduced payroll costs would require Division of Financial Management approval.

Member McClure reported that he participated on a scanning tour to Salt Lake City recently, with a focus on its traffic management center. He believes Ada County's population and traffic issues are similar to that area. ACHD is considering a feasibility study for a traffic management center. Member McClure believes it would be beneficial for the entire Treasure Valley to be included in the study and for ITD and COMPASS to participate. He added that consideration should be given to include Payette and Gem Counties in the study area. DE Lowe said that she has had discussions with ACHD on this possibility.

Acting Director's Items. AD Ross provided a final 2003 legislative report. The Governor signed ITD's appropriations bill in the amount of \$429,801,500. He also mentioned some other bills that involve transportation, such as the increased fine for motorists not using safety restraints and the allowance of 129,000 pound trucks on some state highways in south Idaho.

Member McHugh encouraged staff to be involved with and participate in the Land Based Port Districts. Recent legislation amended existing law to create opportunities for establishing port districts in areas that are not adjacent to continuous, navigable waterways, and allows for the creation of port districts in multiple county situations.

Last month staff reported on a dispute with the three low bids on the US-95, SH-1 Northeast project, key #4177. A judicial ruling determined that Kiewit Pacific Company is the lowest responsive bidder. The bid, \$16,776,035.88, is 101 percent of the engineer's estimate.

AD Ross was pleased to announce the hiring of Sandra DeKlotz as the Highway Safety Manager. Ms. DeKlotz has experience with safety, particularly with the trucking industry, as a former employee of ISP. She is also knowledgeable in the grants arena.

AD Ross has been asked to serve on a national Associated General Contractors of America/American Road and Transportation Builder's Association/American Association of State Highway and Transportation Officials' (AASHTO) committee. This will involve annual meetings.

At the end of this month, AD Ross will be attending the AASHTO spring meeting along with ACE Hutchinson and Transportation Planning Administrator Charles Rountree.

Next month AD Ross will attend the annual WASHTO meeting in Salt Lake City, Utah.

AD Ross reported that the Department has a signed agreement with FHWA to recover indirect costs on construction projects. That will be effective July 1, 2003.

Last week AD Ross appeared before the Governor's Blue Ribbon Task Force's Subcommittee on Public Safety, Transportation, and Natural Resources. He was asked to inform the group on how projects are selected for funding and GARVEE bonds.

In conclusion, AD Ross recognized District 3 Materials Engineer Bob Schumacher. Mr. Schumacher was recently activated and asked to serve the country overseas. Although his destination is unknown, he will assist with the efforts to rebuild Iraq's infrastructure. AD Ross said that Mr. Schumacher will be missed by ITD, and wished him well with his assignment. Chairman Winder also thanked Mr. Schumacher for his service to ITD and the country.

FY05 Budget Policy Direction. Senior Budget Analyst Joel Drake reported that the Department's estimated revenue from state sources for FY05 is \$202.8 million; a 0.65%

increase from FY04 projected revenues. Because of the uncertainty with federal revenues, as Congress continues its efforts on the reauthorization of TEA-21, staff used the estimated apportionment levels used for FY04 for the FY05 budget, about \$227 million. He stated that the Division of Financial Management has not released its guidelines for the FY05 budget yet. The Budget Council will continue to refine the budget and review program enhancements in preparation for the June workshop on the FY05 budget.

Revisions to Administrative Rule IDAPA 39.02.47, Rules Governing Revocation of Vehicle Registration for Failure to Comply with a Motor Vehicle Emission Inspection Ordinance. The passage of Senate Bill 1064 eliminates the requirement to use certified mail when revoking vehicle registrations, according to Motor Vehicle Administrator Morris Detmar. IDAPA 39.02.47 establishes the administrative rules when canceling vehicle registrations on vehicles that have not complied with county required vehicle emissions testing. He proposed revisions to the rule to comply with the recently-approved legislation.

Member McHugh made a motion, seconded by Vice Chairman Combo, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board recognizes the passage of Senate

ITB03-22 Bill 1064 in the 2003 legislative session; and

WHEREAS, the Board recognizes the need to modify administrative rule, IDPA 39.02.47, to remove the requirement for the use of certified mail in the revocation of vehicle registrations for failure to comply with emissions testing; and

WHEREAS, the Board has authority under Section 40-312, Idaho Code, to prescribe rules and regulations affecting state highways.

NOW THEREFORE BE IT RESOLVED, that the Board approves the staff recommendation modifying administrative rule IDAPA 39.02.47; and

BE IT FURTHER RESOLVED, that the Board directs staff to prepare and submit appropriate rulemaking to the office of Administrative Rules with an effective date of July 1, 2003.

Revisions to Administrative Rule IDAPA 39.03.16, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. Port of Entry Manager Alan Frew said that House Bill 138 allows trailers that are used in the transportation of implements of husbandry to be exempt from over-width permitting requirements. IDAPA 39.03.16 is being revised to clarify that the implement of husbandry may not be narrower than the trailers on which it is hauled and that the unladen trailer being used to pick up or drop off an implement of husbandry from farm to farm is also exempt from over-width permitting requirements. The rule will also clarify that over-width trailers may not transport items other than implements of husbandry.

Member McClure made a motion, seconded by Member Blick, and passed unanimously, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board recognizes the passage of House Bill

ITB03-23 138 in the 2003 legislative session; and

WHEREAS, the Board recognizes the need to modify administrative rule IDAPA 39.03.16 to clarify the conditions by which over-width farm trailers may transport implements of husbandry; and

WHEREAS, the Board has authority under Section 40-312, Idaho Code, to prescribe rules and regulations affecting state highways.

NOW THEREFORE BE IT RESOLVED, that the Board approves the staff recommendation modifying administrative rule IDAPA 39.03.16; and

BE IT FURTHER RESOLVED, that the Board directs staff to prepare and submit appropriate rulemaking to the office of Administrative Rules with an effective date of July 1, 2003.

Idaho Airport Aid Program FY04-06. Project Manager Bill Statham presented the FY04-06 Idaho Airport Aid Program that the Aeronautics Advisory Board approved at its March meeting. The FY05 and FY06 project lists will be used for planning purposes. He said the Division of Aeronautics' FY04 budget for the Program totals \$641,000 for airport improvement matching grants. The grand total for the FY04 budget is \$31,259,156, with the following matching ratios:

- Federal aid match – 90% federal; 3.5% state; and 6.5% local;
 - Communities less than 1,000 population – 90% state and 10% local;
 - Communities between 1,000 and 5,000 population – 75% state and 25% local;
- and
- Communities over 5,000 population – 50% state and 50% local.

Member McClure made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department Division of Aeronautics has

ITB03-24 solicited, received, and reviewed applications from municipal airport owners for financial assistance; and

WHEREAS, the Division staff has evaluated these applications and prepared the Idaho Airport Aid Program – FY04-06; and

WHEREAS, the Aeronautics Advisory Board has concurred with these recommendations.

NOW THEREFORE BE IT RESOLVED, that the Idaho Airport Aid Program – FY04-06, as shown as Exhibit 273, which is made a part hereof with like effect, be approved; and

BE IT FURTHER RESOLVED, that the Division of Aeronautics shall issue grant offers for the FY04 year; and

BE IT FURTHER RESOLVED, that the Department adopts the proposed airport funding formulas.

Enhancement Advisory Committee (EAC) Prioritized List of Enhancement Projects. Intermodal Planning Manager Pat Raino summarized the EAC's process to prioritize Enhancement projects for funding. If the Board concurs with the Committee's recommendation, the projects will be included in the draft STIP, which will be distributed for public review and comment in July. She also provided historical information on the Program, and emphasized that communities appreciate this Program. She added that with the expiration of TEA-21 this year, the future of the Program is unknown at this time.

The Board concurred with the EAC's recommended list of Enhancement projects for funding in FY06 plus the continuation of the City Landscape Program in FY05. Vice Chairman Combo commented that Board Policy B-11-03, Transportation Enhancement Program, states that the EAC members shall be appointed for two years, with re-appointment by the Chief Engineer. Because the Division of Transportation Planning has oversight of the Enhancement Program, he suggested that the policy be revised to give responsibility to appoint and/or re-appoint the EAC members to the Transportation Planning Administrator.

FY03 Federal Funding and Proposed FY03 Project Changes. Highway Programming Manager (HPM) Dave Amick summarized the available federal funds for FY03. Staff reviewed scheduled projects to determine which ones would not be ready to obligate this fiscal year and which projects would be ready in FY03.

Vice Chairman Combo commented that the referenced delay of the I-15, Sunnyside Interchange project in District 6 from FY03 to FY04 is not really a delay. The design of

Phase 2 is being advanced, and construction of the entire project will be completed under one contract; ahead of the earlier planned schedule. The project will not need to be completed in two phases. He emphasized the importance of this project for economic development in the area.

Member Blick made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

ITB03-25 to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the Transportation Equity Act for the 21st Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP): and

WHEREAS, the Department has received an overall obligation authority of \$216.3 million, which represents 103.3 percent of all FY03 apportionments; and

WHEREAS, advancing projects ready for advertisement to FY03 of the FY03-07 Highway Development Program will accelerate full utilization of the estimated FY03 federal highway formula funding obligation authority of \$167.8 million and the Minimum Guarantee obligation authority of \$25.7 million.

NOW THEREFORE BE IT RESOLVED, that the Board approves the funding and project changes to FY03 of the FY03-07 Highway Development Program in "Federal FY03 Third Quarter Plan: Advances

and Delays”, as shown as Exhibit 274, which is made a part hereof with like effect, and authorizes staff to make the appropriate changes to the FY03-05 STIP in accordance with the provisions of TEA-21.

End of Year Project Changes to the FY03 State-Funded Construction Program. HPM Amick recommended adjusting the State Program to enable the timeliest award of projects based on their development readiness status. He also reviewed the anticipated cost increases and decreases for FY03 projects, including an additional \$30,000 for the SH-55, Intersection Island Wood Drive traffic signal in District 3.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public’s interest for the Idaho Transportation Department

ITB03-26 to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the Transportation Equity Act for the 21st Century of 1998 (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP): and

WHEREAS, the Division of Highways has identified projects which can be made ready for advertisement in FY03 of the State-Funded Highway Development Program to utilize \$2.7 million in available funding.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Chief Engineer to add or advance projects into FY03 of the State-Funded Highway Development Program from the list of changes in the “FY03

State-Funded Highway Program End of Year Plan”, as shown in Exhibit 275, which is made a part hereof with like effect, as projects are made ready and funding becomes available in the current fiscal year; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate changes to the FY03-05 STIP in accordance with the provisions of TEA-21.

Recommended FY04-07 State-Funded Highway Development Program. HPM Amick presented the proposed FY04-07 State-Funded Highway Development Program. The anticipated available funding level for FY04 is \$52,858,000. This is about a \$20 million increase in the FY03 level due to the federal reimbursement of indirect costs. As a result, a number of projects originally programmed in the Federal Program have been moved to the State Program. Projects in the State Program reflect the Department’s strong emphasis on pavement rehabilitation, bridge, congestion, and safety projects. He added that the recommended projects will be included in the draft STIP and will be part of the public involvement process.

Member McClure made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public’s interest for the Idaho Transportation
Department

ITB03-27 to publish and accomplish a current, realistic, and fiscally constrained
Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21st Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Division of Highways has recommended new projects and updated the costs and schedules for projects in the Recommended FY04-07 State-Funded Highway Development Program.

NOW THEREFORE BE IT RESOLVED, that the Board approves the Recommended FY04-07 State-Funded Highway Development Program, which is on file in the Office of Highway Programming; and

BE IT FURTHER RESOLVED, that staff is authorized to make the appropriate modifications to the FY04-06 STIP in accordance with the provisions of TEA-21.

Obstacles to Meeting Federal Transportation Management Area (TMA) Requirements under the STP-Urban Program. Staff has been reviewing the impacts of the designation of northern Ada County as a TMA, population over 200,000, as a result of the 2000 Census. United States Code establishes the requirement for states to sub-allocate Surface Transportation Program (STP) apportionments and obligation authority to TMAs, according to HPM Amick. Board Policy B-11-04, Allocation of STP Apportionments to Local Public Agencies, stipulates that any federally-required distributions of funding to a TMA will be deducted from the funds available to urban local public agencies, even though the requirement may be met with projects on the state highway system.

HPM Amick said the STP-Urban Committee, COMPASS, and ITD have identified a number of issues hampering the state's ability to meet the TMA sub-allocation requirement while at the same time attempting to comply with the provisions governing the STP-Urban Program. He outlined several alternatives to resolve the issues. Staff recommends establishing a joint State/COMPASS TMA Program with the TMA given first call on selecting projects within minimum federal obligation authority required in the TMA. This would not change the existing STP-Urban funding formula and increases funding levels to the urban areas remaining in the Program. No requirement to pay back COMPASS for undelivered projects at the end of the year would be needed because ITD and COMPASS will work cooperatively to utilize the funds. COMPASS may use end-of-year obligation authority not used by the state or local programs by August 1 on a first-come first-serve basis along with the state. STP-State funding would be shifted to the TMA Program to meet the minimum TMA sub-allocation.

Vice Chairman Combo indicated his support for staff's recommendation. He asked if a cooperative agreement would be needed. HPM Amick replied that details still need to be worked out, and the MPO boards need to concur with this proposal. He believes the implementation would be fairly simple and would only require revisions to the Board Policy, not a cooperative agreement. He added that the reauthorization of TEA-21 may also impact this proposal. He added that the current Board Policy conflicts with the recommended option to separate the TMA from the Urban Program.

The consensus of the Board was for staff to proceed with the recommendation to establish a joint State/COMPASS TMA Program, and to continue resolving issues related to the TMA designation.

Vice Chairman Combo made a motion to waive the requirements of Board Policy B-11-04, Allocation of STP Apportionments to Local Public Agencies, relating to the Urban Program, for one year. Member Miller seconded the motion and it passed unanimously.

Request for Design Approval, I-84, Karcher Interchange, Key #3214, District 3. ACE Hutchinson provided history on the Karcher Interchange project in Nampa, starting in 1975 when a public information meeting was held. An environmental re-evaluation was approved in April 2002, followed by a public hearing. There were no environmental concerns that resulted from that public hearing. The property owner concerns were minor and will be addressed during the right-of-way negotiations. The Cities of Nampa and Caldwell both support the need and location for the interchange.

Vice Chairman Combo made a motion, seconded by member McHugh, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the project named I-84, Karcher Interchange, IR-84-1(013)33, key

ITB03-28 #3214, District 3, is of statewide significance; and

WHEREAS, this project has been approved by the Idaho Transportation Board and the Federal Highway Administration for inclusion in the Statewide Transportation Improvement Program; and

WHEREAS, SH-55 and the Karcher Interchange connection to I-84 is a priority connection and the Transportation Department's intent is to improve safety and provide a convenient access to I-84 from SH-55 and the Nampa/Caldwell community; and

WHEREAS, public hearings on this project were held on March 11, 1987, January 1990, and May 1, 2002 in Nampa, the latter at the Karcher Mall at the project site in accordance with all laws and rules; and

WHEREAS, the Department has gathered all the information for the environmental document, which was presented at the public hearing in accordance with federal law and rule; and

WHEREAS, the location of the interchange was selected from alternatives presented at the location hearing by the Board and the location was confirmed from an Interstate Corridor Study in Canyon and Ada Counties as requested by the Board; and

WHEREAS, the public supports the need for this project based on the oral and written testimony.

NOW THEREFORE BE IT RESOLVED, that the Board grants design approval and ITD staff is directed to proceed with final design.

Contract Awards. ACE Hutchinson reported that the low bid on project #ST-3110(644), key #8765 – US-95, Elk Lake Road Turn Bay, Adams County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was based on the Average Unit Price Report. The main differences between the engineer's estimate and the low bidder were in ¾" Aggregate for Base, Plant Mix Pavement Class I, Construction Survey, and Mobilization. The cost of pavement is dependent on the price of oil, which has been steadily increasing. The cost of plant mix and aggregate is generally higher in the northern regions of the District because of the

limited amount of asphalt plants and source sites in the area. The cost of construction surveying varies significantly between projects and the Average Unit Price Report generally does not provide a good estimate. The project is located in a remote area, which will require travel and per diem to be added to the contract. Additionally, the mobilization was higher than the engineer's estimate because the cost to haul material to the approved waste site in Pollack was incidental to the mobilization bid item. The mobilization item was also higher than anticipated because of several environmental restrictions. Based on staff's review of the bids, it recommends awarding the project.

Member Sweeney made a motion to award the contract on ST-3110(644), key #8765 to the low bidder: Valley Paving & Asphalt, Inc., Cottonwood, Idaho - \$209,104.99. Vice Chairman Combo seconded the motion and it passed unopposed.

The low bid on STP-RRP-8253(100), key #5712 – Northside Road, Nampa, Canyon County, District 3, was more than ten percent over the engineer's estimate, requiring justification. ACE Hutchinson said the major difference between the low bid and the engineer's estimate was in the Plant Mix and Additives and Mobilization items. This is a small project and not typical of projects that ITD normally constructs; making the estimate more difficult. Because the project requires improvement as designed, no changes could be incorporated that would provide for a rebid, the District recommends awarding the project.

Member McHugh made a motion to award the contract on STP-RRP-8253(100), key #5712 to the low bidder: Idaho Sand & Gravel Company, Inc., Nampa, Idaho - \$86,938.32. Member Blick seconded the motion and it passed unanimously.

ACE Hutchinson said the low bid on NH-5110(154), key #8562 – US-95, Intersection Tamarack/Augusta, Bonners Ferry, Boundary County, District 1 was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was developed using the Average Unit Bid Price Report combined with Abstract of Bids from other similar projects. The major differences between the engineer's estimate and the low bid were in Flagging and Decorative Illumination. It appears the Department's estimate for flagging was low and did not consider the relatively few flagging hours and the remote location of the project. Additionally, the project will be constructed at night and ITD does not have bid history for night flagging. Also, staff did not have detailed price history for the Decorative Illumination item. Based on a review of the bids, the District recommends awarding the contract.

Member McHugh made a motion to award the contract on NH-5110(154), key #8562 to the low bidder: Noble Excavating, Inc., Libby, Montana - \$899,278.17. Member Sweeney seconded the motion and it passed unopposed.

New Business. Vice Chairman Combo asked DAG Bywater, in conjunction with his counterpart in the Department of Law Enforcement, to provide a definition of “work zone”. Because Idaho has an increased penalty for speeding in work zones, he believes it would be beneficial to have a definition of what constitutes a work zone.

Vice Chairman Combo referenced last month’s Board Subcommittee on Adjustments to the State Highway System’s meeting, focusing on the Buhl to Wendell route, and the tour of US-30 and the Buhl to Wendell route in District 4. DE Devin Rigby proposed adding the local route to the state highway system, then widening the route, similar to improvements that were made on US-30 west of Buhl. Vice Chairman Combo said a Memorandum of Understanding between ITD and the affected local agencies states that ITD will bring the route up to state standards. He asked DAG Bywater to provide guidance on acceptable state standards for that situation.

Executive Session on Personnel Issues, Section 67-2345(1)(a), Idaho Code. Member Miller made a motion to meet in executive session at 5:30 PM for personnel matters and to also meet in a special meeting for purposes of an executive session at 4 PM on Wednesday, May 21 to discuss personnel issues. Member Sweeney seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the personnel item included consideration of hiring a public officer to fill a non-elective office.

The Board came out of executive session at 7:10 PM. No decisions were made.

WHEREUPON the meeting recessed at 7:10 PM.

May 15, 2003

The Board met at 8:30 AM on Thursday, May 15 at the District 3 Office in Boise, Idaho. All members were present.

The Board traveled US-20/26 west to Caldwell. Staff provided an overview of the I-84/Franklin Interchange project, scheduled for construction in FY06 and 07. Caldwell City Public Works Director Gordon Law joined the Board at the project site. He thanked the Board for the planned project and emphasized the need to improve that interchange. He added that the

city would like to landscape that interchange with a project similar to the beautification project underway on I-84B (Centennial Way).

The group traveled to the I-84B (Centennial Way) beautification project site for a briefing on the project. It then traveled SH-19 west, US-95 south, SH-55 north, and SH-78 south to the Marsing maintenance shed. After visiting with employees at the maintenance shed, the Board traveled north on SH-55. The group stopped along the route for a presentation on the SH-55, Sunnyslope to Marsing project, then continued on SH-55 to Nampa.

The Board had an informal luncheon with City of Nampa Officials, including Mayor Tom Dale, Public Works Director Paul Raymond, and Finance Director Todd Bunderson.

Messrs. Raymond and Bunderson joined the Board as it traveled to the I-84, Karcher Interchange site. Staff briefed the group on the FY04 project. The tour continued to the I-84B (Garrity Boulevard) widening project. Mr. Bunderson thanked staff for the recently completed 11th Avenue Underpass project and for the other projects planned or underway in the area. After a summary of the widening project under construction, Messrs. Raymond and Bunderson departed the tour. The Board traveled I-84 and I-184 east to Boise.

WHEREUPON, the regular monthly Board meeting and District 3 tour officially adjourned at 2:30 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

June 26, 2003

REGULAR MEETING AND DISTRICT FOUR TOUR
OF THE IDAHO TRANSPORTATION BOARD

April 17-18, 2003

The Idaho Transportation Board met at 1 PM, on Thursday, April 17, 2003, at the Twin Falls City Council Chambers, in Twin Falls, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Acting Director

Steve Hutchinson, Acting Chief Engineer

Steve Bywater, Deputy Attorney General

March 18-19, 2003 Board Minutes. Vice Chairman Combo made a motion, seconded by Member Blick, to approve the minutes of the regular Board meeting held on March 18-19, 2003 as corrected. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

May 14-15, 2003 – District 3

June 25-27, 2003 – District 2

July 17-18, 2003 – District 1

Consent Calendar. Member Blick made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-18 approves the appointment of the Public Transportation Advisory Council member in District 1; recognition of an eligible applicant for Federal Transit Authority Urbanized Funding, District 2; revisions to Board Policy B-12-16, Traffic Control Devices; and a supplemental agreement request, I-84, Karcher Interchange, District 3; and has received and reviewed the contract award information; the new and supplemental professional agreements report; a report on the final amount versus the contract bid amount; speed minute entry changes, SH-54, District 1; and the February financial statement analysis.

1) Appointment of Public Transportation Advisory Council (PTAC) Member, District 1. In accordance with Idaho Code, the Division of Public Transportation advertised the vacancy on the PTAC in District 1 newspapers, notified local elected officials in writing, and notified the Interagency Working Group. Based on a review of the applications and candidates' qualifications, Kerri Thoreson was recommended to fill the vacancy on the PTAC left by Ralph Nelson, with the term expiring in June 2003.

2) Recognition of an Eligible Applicant for Federal Transit Administration (FTA) Urbanized Funding. In the Lewiston Urbanized Area, funding will be provided to both Idaho and Washington for transit services, with local elected officials to determine how services will be provided. Elected officials in the Idaho portion of the Lewiston Urbanized Area have chosen the City of Lewiston to become the eligible applicant for the FTA funds.

3) Revisions to Board Policy B-12-16, Traffic Control Devices. Minor changes to the text and reference sections were made to update this policy.

4) Supplemental Agreement Request, I-84, Karcher Interchange, Key #3214, District 3. The Karcher Interchange project is scheduled for construction in FY04 in the amount of \$24,318,000. The final design agreement for this project was approved in August 2000 for \$1,100,000. Because of the complexity of the project and continuous design changes due to cultural and environmental meetings and public input, staff is requesting a supplemental agreement. The supplemental agreement would be in the amount of \$243,000 for additional environmental studies, structure design, and soils investigation and analysis.

5) Contract Award Information. Key #7776 – I-90, FY03 District 1 Pavement Striping. Low bidder: United Rentals Technologies, Inc. - \$114,889.

Key #7777 and #7778 – I-84 and I-86, FY03 District 3 and District 4 Pavement Striping. Low bidder: Interstate Barricades - \$227,340.

Key #7782 – I-90, Mullan to Montana State Line, District 1. Low bidder: Westway Construction Company, Inc. - \$2,830,753.

Key #9075 – I-90, Coeur d'Alene River Bridge Underpass Interchange, District 1. Low bidder: N. A. Degerstrom, Inc. - \$166,353.

6) New and Supplemental Professional Agreements Report. From February 28 to March 28, the Consultant Administration Unit processed \$2,244,517 in professional, supplemental, and term agreements.

7) Final Amount versus Contract Bid Amount. The final contract amount versus the contract bid amount for construction contracts closed out during federal FY99-02 and individual projects for FY02 were reviewed. A summary of the adjusted amount versus the contract bid amount was also provided. In FY02, the contract bid amount totaled \$143,795,931 while the contract final amount was \$173,683,158, or 121%.

8) Speed Minute Entry Changes, SH-54, District 1. A traffic and engineering investigation on a portion of SH-54 in District 1 resulted in changing the maximum speed limit from 60 miles per hour to 45 miles per hour from milepost 11.68 to 11.93.

9) February Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$9 million, or 7.4%. Percentage-wise, commercial registration is the biggest variance followed by special fuels and gasoline. Expenditures for personnel, operating, and capital equipment are all less than budgeted through February. In contract construction, the federal program is more than spending projections by 0.6% and the state program is 28.6% less than projected.

Aviation Fuel Tax revenue received through the end of February is \$99,400, or 8.2%, less than projected, while miscellaneous revenue is 13% above last year's revenue. Overall expenditures are ahead of the same time period last year. Revenue in the Aircraft Operations Fund is 79% of the annual estimate as of the end of February, and operating expenditures are similar to the same time period as last year.

Board Items. Chairman Winder reported on the status of ITD's FY04 appropriations bill. Earlier, the Joint Finance and Appropriations Committee (JFAC) reduced the Governor's recommended budget. Governor Kempthorne vetoed that budget, and JFAC revisited ITD's budget last week, restoring the majority of the earlier cuts. Chairman Winder relayed the Governor's support for the Department and commendations to the Board for its service to the state and its management of ITD and its revenues.

Member Blick said that one of his truckers was stopped in South Dakota recently and was fined for an overweight axle. Although the overall weight of the truck was within regulation, the fine for the one overweight axle was \$2,600. Member Blick reported that the same fine in Idaho would have been \$260. He would like to see some uniformity between states in overweight fines. Chairman Winder suggested having staff discuss this issue with the five-state coalition.

Vice Chairman Combo said that Representative Mike Mitchell requested information on call boxes earlier. Currently, there are several call boxes along US-12 that the local entities installed and are maintaining. Because it can be difficult to get reception for cell phones on portions of US-95 between Grangeville and New Meadows, Vice Chairman

Combo encouraged staff to consider installing several call boxes along that stretch to aid motorists.

Member McHugh expressed concern with the increased number of motorists using cell phones while driving. Acting Director (AD) Ross replied that the Department does not have a policy to address that specific issue. He expanded on the Department's use of cell phones and mobile phones, and commented that it would be timely to review and update that policy.

Acting Director's Items. AD Ross distributed a list of projects submitted to Idaho's Congressional Delegation for consideration in the FY04 federal appropriations bill. Chairman Winder reported that U.S. Congressman Jim Oberstar will be in Boise next week. The Capital City Development Corporation is hosting the visit from the ranking minority member of the House Transportation and Infrastructure Committee to inform him of the transportation challenges that Boise and the Treasure Valley are facing. Chairman Winder and AD Ross will also attend the meeting and discuss the state's transportation issues.

AD Ross attended the recent Western Association of State Highway and Transportation Officials' Chief Executive Officers' meeting in Wyoming. The main focus of the meeting was reauthorization and improving the timeframe and process for addressing environmental issues on transportation projects. AD Ross said the meetings were beneficial.

The process to fill the vacant Highway Safety Manager position should be completed soon, according to AD Ross.

AD Ross, Acting Chief Engineer (ACE) Hutchinson, and Transportation Planning Administrator Charlie Rountree will be attending the American Association of State Highway and Transportation Officials' spring meeting at the end of May. Reauthorization will be a major topic at the conference.

In conclusion, AD Ross distributed speaking points on the Department's increased needs and reduced revenue that Budget, Policy, and Intergovernmental Relations Manager

(BPIRM) Mary Detmar compiled. He thanked her for the excellent job she has performed at ITD over the years and wished her well in her upcoming retirement. The Board also extended its appreciation to BPIRM Detmar for her dedication and service to the state.

Member Sweeney made a motion to present BPIRM Detmar with a proclamation congratulating her on her retirement and acknowledging her unsurpassed efforts at and dedication to ITD. Member Miller seconded the motion and it passed unopposed.

Acting Chief Engineer's Items. ACE Hutchinson informed the Board that staff was closing out the FY03 State Program and will present it to the Board next month. Staff is also in the process of updating the FY04 Federal Program. He said there are a number of projects in later years that are ready for construction. Staff will recommend advancing those projects into FY03 as part of a concerted effort to obligate projects earlier in the fiscal year. The Board expressed support for those efforts.

Legislative Report. BPIRM Detmar provided information on the Department's revenue. She noted the reduced revenue from truck registration and said that staff is reviewing that category and trying to determine why the revenue is lower than anticipated. Chairman Winder reported that he was approached recently with concerns about the truck permit system. He asked staff to review the truck registration and trip permit system and determine if there is a need and an interest to establish a task force to address that system.

BPIRM Detmar reported that staff continues to monitor the Department's revenue, and recommends carrying over unobligated funds into FY04. AD Ross added that considerable thought was given to that recommendation. He believes it is the best option and would minimize impacts to the FY04 budget. BPIRM Detmar reported that the Department's appropriations bill in the amount of \$429,801,500 passed the Senate this morning. She also provided a brief overview on other legislation.

Indirect Cost Allocation. Dave Tolman, Controller, summarized the efforts underway to recover indirect costs from FHWA. He also provided information on other states. Staff believes recovering the indirect costs would be beneficial and recommends proceeding with that effort.

Frank Tooke, Financial Specialist, with FHWA, commended Mr. Tolman and ITD staff for their research and efforts on this issue. He said that a benefit to recovering the indirect costs is to recognize the true costs of construction projects. He added that the rate would have to be applied to all projects, not just select ones.

Although some issues still need to be addressed, such as impacts to the local entities, the Board supported staff's recommendation to proceed with implementing the indirect cost allocation proposal. Chairman Winder emphasized that one of the Board's goals continues to be putting more money on roads. Recovering indirect costs on federal projects would result in additional funds in the State Program, which has fewer restrictions than the federal program.

International Registration Plan (IRP)/International Fuel Tax Agreement (IFTA) Motor Carrier Audit Consolidation Activity – Memorandum of Understanding (MOU). Motor Vehicle Administrator (MVA) Morris Detmar provided a draft MOU with the State Tax Commission to transfer ITD's motor carrier auditing responsibilities to the Tax Commission. The MOU facilitates the physical move of the employees and equipment during FY04. The employees would remain on ITD's complement and payroll at this time. ITD and the Tax Commission will prepare legislation for FY05 to appropriate funds and transfer the position control numbers to the Tax Commission, along with any necessary change of authority. If the legislation is not approved, the two agencies have the option of extending the MOU or returning the auditing functions to ITD.

Chairman Winder thanked MVA Detmar for the update and emphasized that the Board's main concern with this proposal is for the impacted employees.

FY03-08 Forest Highway Program. Highway Programming Manager (HPM) Dave Amick presented the FY03-08 Forest Highway Program as recommended by the Tri-Agency Group, comprised of ITD, the U.S. Forest Service, and the Western Federal Lands Highways Division of FHWA. Total project funding for FY03 is \$9,674,736. This includes a hold back of \$3.4 million to be carried over to FY04 to fund operations in the event an FY04 highway act is not approved by October 1, 2003.

Member McHugh questioned the Banks to Lowman Highway and reference to that route being added to the state highway system. AD Ross believes efforts are continuing on the local's relinquishment of that highway to the state. HPM Amick emphasized that

Western Federal Lands Highways Division made major improvements to the road earlier and should be responsible to fund additional projects to address some of the concerns on the route.

Member McClure made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

ITB03-19 to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21st Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, the Chief Engineer has represented the Department's interest in funding projects under the Forest Highway Program as a member of the Tri-Agency Group made up of the Idaho Transportation Department, the U.S. Forest Service, and the Western Federal Lands Highways Division of the Federal Highway Administration; and

WHEREAS, the Forest Highway Program has received \$13,105,744 in obligation authority in FY03.

NOW THEREFORE BE IT RESOLVED, that the Board concurs with the funding and project changes to the FY03-08 Forest Highway Program as adopted by the Tri-Agency Group, as shown as Exhibit 272, which is made a part hereof with like effect, and authorizes staff to make the

appropriate changes to the FY03-05 STIP in accordance with the provisions of TEA-21.

Recognition – Adopt-A-Highway Group of the Year. Member Blick was pleased to recognize the Idaho Youth Ranch as the District 4 Adopt-A-Highway Group of the Year. He said the group has been picking up litter along SH-24 north of Rupert since 1992. The Idaho Youth Ranch often cleans its section of highway more than the required two times per year. It sees its involvement in the program as a way to instill a sense of community service and pride in the youth. He thanked the group for its participation in the Program and service to the state.

Report on Security Efforts. Bryan Smith, Transportation Staff Engineer Assistant, outlined the various actions the Department takes for each Homeland Security Advisory System Threat Level. The threat conditions represent an increasing risk of terrorist attacks, and protective measures have been identified for each level. Homeland Security costs since September 11, 2001, have been approximately \$70,000, including general aviation security costs.

Mr. Smith also reported that the Idaho National Guard may be requested to supply services and/or equipment during a state or federally declared disaster. Each request would be reviewed and considered for action on a case by case basis as determined by the Bureau of Disaster Services and the National Guard. He added that the security efforts are an evolving process.

The Board questioned the need for Idaho's and/or ITD's security level to mirror the national threat level. Mr. Smith responded that he is pursuing that issue.

Chairman Winder thanked Mr. Smith for the informative report.

Contract Awards. ACE Hutchinson said the low bid on key #8572, project #ST-3110(638) - SH-21, SH-51, and US-20; FY03 Region 2 Sealcoats; Boise, Owyhee, and Elmore Counties; District 3, was more than ten percent over the engineer's estimate, requiring justification. The greatest difference between the engineer's estimate and the low bid was the Cover Coat Material Class 4 item. The stockpiles for this type of

material have been depleted throughout District 3, so the high bid price includes the additional crushing and hauling expenses due to the shortage of Class 4 chips. The other major difference is in CRS-2R Emulsified Asphalt for Sealcoat, which is due to recent increases in oil prices. Staff does not anticipate a savings if the project is re-advertised and because the projects must be constructed to continue ITD's maintenance schedule, recommends awarding the contract.

Member McClure made a motion to award the low bid on key #8572 to the low bidder: Kloepfer Inc., Paul, Idaho - \$1,700,152.76. Member Sweeney seconded the motion and it passed unopposed.

The low bid on key #4219 and #6609, project #NH-IR-4114(077) and #BR-4110(147) - US-95, South Fork Palouse River Bridge to Sweet Avenue, Moscow; and South Fork Palouse River Bridge, Moscow, Latah County, District 2, were more than ten percent over the engineer's estimate, requiring justification, according to ACE Hutchinson. The items of major difference between the engineer's estimate and the apparent low bidder are P1 Mix Class I, Curb and Gutter, Illumination Type 2, Flagging, and Biaxial Geogrid. The source of the engineer's estimate was the Estimator's Bid History and the Average Unit Price Report for projects through September 2002. The significant price increase over the estimated price for plant mix is attributed in part to the rising and uncertain cost of oil. Another factor was that the engineer's estimate did not fully recognize the inefficiency of paving multiple small stages as the project progresses. In reviewing the bidders' prices, an upward adjustment of the engineer's estimate is warranted. The District does not believe cost savings would result by readvertising the project and recommends awarding the contract.

Member Blick made a motion to award the contract on key #4219 and #6609 to the low bidder: A & R Construction Inc., Lewiston, Idaho - \$4,066,515.49. Member McClure seconded the motion and it passed unanimously.

ACE Hutchinson reported that Kiewit Pacific Company, the third low bidder on key #4177, project #NH-F-5116(067) – US-95, Junction SH-1 Northeast, Boundary County, District 1, and S.A. Gonzales Construction, Inc., the second low bidder, are protesting the acceptability of the low bid by M. A. DeAtley Construction, Inc. Additionally, Kiewit Pacific Company is claiming the second low bid is irregular. Staff believes the error in the DeAtley bid is non-material. Legal action has been filed. He said there is urgency to award this contract, as it will take two construction seasons to complete, and asked the

Board to award the project to the lowest responsible bidder as determined by the outcome of all protests.

In response to Member McClure's question on the timeframe, DAG Bywater responded that he believes a hearing will be held late next week and the District Court's decision should be announced the following week.

Member McClure made a motion, seconded by Vice Chairman Combo, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the results of bidding for key #4177, project #NH-F-5116(067), US-
ITB03-20 95, Jct. SH-1 Northeast, District 1, have been presented to the Idaho Transportation Board; and

WHEREAS, the apparent low bidder on the proejct was M.A. DeAtley Construction Inc; and

WHEREAS, the second and third bidders, S.A. Gonzales Construction, Inc. and Kiewit Pacific Company, respectively, have presented protests to the regularity of the low bid; and

WHEREAS, the third bidder, Kiewit Pacific Company, has presented a protest including a claim that the second bid, that of S.A. Gonzales, is also irregular; and

WHEREAS, the Idaho Transprotation Department has denied these protests, and Kiewit Pacific Company has filed an action in District Court in Ada County seeking a judicial declaration that it is the lowest responsible bidder on the project; and

WHEREAS, S.A. Gonzales has, through its counsel, indicated that it too intends to file an action in District Court seeking a judicial declaration that it is the lowest responsible bidder on the project; and

WHEREAS, it is required that the Board approve contracts exceeding \$3,000,000; and

WHEREAS, each of the three lowest bids are within 10% of the engineer's estimate; and

WHEREAS, the timely award of this project will allow the project to be completed in two construction seasons rather than work into a third season.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Chief Engineer or his designee with the concurrence of the Deputy Attorney General to execute a contract for project #NH-F-5116(067) with the contractor that the judiciary determines to have submitted the lowest responsive bid.

ACE Hutchinson said the low bid on key #6546, project #CM-7243(101) - Eckert Pathway Extension, Ada County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The main variations in the low bid and the engineer's estimate were for Concrete Class 27.5B, Schedule 1; Concrete, Class 27.5A, Schedule 2; MSE Retaining Wall; and Temp Shoring. The two low bids were very comparable, so staff does not believe more favorable bids would be obtained if the project is readvertised. Ada County, the project sponsor, will provide the additional funds for the higher bid, so staff recommends awarding the project.

Member Sweeney made a motion to award the contract on key #6546 to the low bidder: Hess Construction Company, Inc., Nampa, Idaho - \$274,689.67. Member McClure seconded the motion and it passed unanimously.

ACE Hutchinson said the low bid on key #7218, project #BROS-2000(102) - Middle Line Canal Bridge at Hayland Road, Elmore County, District 3, was more than ten percent over the engineer's estimate, requiring justification. The greatest difference between the engineer's estimate, based on the Average Unit Price Report, and the low bid was in the Removal of Bridge; 19mm Aggregate for Base; Plant Mix Pavement Including Asphalt and Add Cl II; Metal Guardrail; Metal Terminal Section Type 5; and Survey items. Staff believes the costs for the removal of the bridge and guardrail items are higher because the project is in a remote area. The aggregate costs are high because there is not an approved source close by. Because no savings are anticipated by re-advertising, staff recommends awarding the contract.

Member McClure made a motion to award the contract on key #7218 to the low bidder: Cristobal Construction, Inc., Mountain Home, Idaho - \$174,769.49. Member Miller seconded the motion and it passed unopposed

Reporting to the Board on Contract Claim Status. Since 2000, the Deputy Attorneys General and Construction Section staff members have met monthly to review the status of all contract claims pending at the Chief Engineer level and the Board level of review under the administrative process, according to DAG Bywater. He believes these meetings have been helpful to coordinate the activities of the two sections, discuss issues and problems on specific claims, provide legal guidance as appropriate, and assist in monitoring the progress of each claim toward resolution. A claims database with the status of these claims has been established. DAG Bywater provided a copy of the report to the Board. Because the Board expressed a desire to be kept informed of the claims at the higher level, DAG Bywater suggested that the claims status report be included with the report on legal actions that is presented to the Board on a quarterly basis.

Chairman Winder expressed concern with the timeframe and encouraged staff to move the claims through the process in a timely manner. The consensus of the Board was to accept DAG Bywater's recommendation to incorporate the status of contract claims with the quarterly report on legal actions.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), and (f), Idaho Code. Member McClure made a motion to meet in executive session at 4:20 PM to

discuss personnel and legal matters. Member Sweeney seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the discussions on legal issues included an update on allegations of an outside firm providing false reports to the Department, information on a former contractor filing false documents, and updates on pending and potential litigation.

The general tenor of the personnel item included consideration of hiring a public officer to fill a non-elective office.

The Board came out of executive session at 5 PM. No decisions were made.

New Business - Statewide Transportation Improvement Program (STIP) Amendment #4.
The Kootenai County Metropolitan Planning Organization (KMPO) recently approved an amendment to its 2003 Transportation Improvement Program as a result of recent negotiations to continue public transportation services in the Coeur d'Alene-Post Falls urbanized area using Federal Transit Administration (FTA) Section 5307 funding. The increase in amounts for operating expenses and additional funding for capital projects are needed to prevent an interruption in public transit service to the area.

Member McHugh made a motion to amend the FY03 STIP to include operating expenses and additional funding for capital projects from FTA Section 5307 funding for KMPO. Member Sweeney seconded the motion and it passed unopposed.

DAG Bywater was asked to provide an opinion on what constitutes a working day for Board members to be paid.

WHEREUPON the meeting recessed at 5:10 PM.

April 18, 2003

The Board met at 8:30 AM on Friday, April 18 in Twin Falls, Idaho. All members were present.

The Board traveled to the southeast area of Twin Falls and was briefed on the Twin Falls South East Corridor Study underway. From there, the group traveled west on US-30 to view recent improvements to the highway west of Buhl.

The Board returned to Buhl to visit with Mayor Barbara Geitzen and City Engineer Scott Bybee. Mayor Geitzen thanked the Board for visiting the Magic Valley and for its support with the City's project. Mr. Bybee provided an overview on the street improvements being completed in the city, including curb, gutter, and sidewalk. He thanked DE Rigby and his staff for the assistance it has provided. Mayor Geitzen added that the city's progressive efforts, including the street improvements, are resulting in economic development in the area.

Chairman Winder thanked Mayor Geitzen and Mr. Bybee for their time and for the information on the city's street project.

The tour continued north on the Buhl to Wendell Highway, then east on I-84. Western Construction representative Jack Snyder summarized the I-84/US-93 interchange project under construction. He said the project is progressing well, and complimented the District Office for the good working relationship. The Board returned to Twin Falls via US-93 south.

Luncheon Meeting with Transportation Committees. Greater Twin Falls Area Transportation Committee (GTFATC) Chairman David Maestas welcomed the Board to Twin Falls and thanked it for visiting the Magic Valley. During lunch, the Board visited informally with members of the GTFATC, Mini-Cassia Transportation Committee, and Northside Transportation Committee.

Mini-Cassia Transportation Committee Chairman Dwinelle Allred thanked the Board and Department for its support and assistance. He also commended Member Blick for his active involvement in the committee and on transportation issues. Northside Transportation Committee Chairman Vernon Mason also relayed the Committee's appreciation to the Board for its help and support.

GTFATC Member Kent Just believes the transportation committees and ITD have established an excellent working relationship. He said the US-93 Alternate Route is a high priority of the Committee; however, it is concerned with the scheduling of the project. Phase II is scheduled three years after Phase I. Although he understands ITD's funding constraints and recognizes the numerous needs throughout the state, he encouraged the Department to consider completing the two phases in a closer time frame. GTFATC Chairman Maestas mentioned several other priorities of the area, including an additional Snake River crossing. He said that federal appropriations include funding for the environmental document for that project; however, the match for that project is a concern.

Chairman Winder thanked the committee members for attending the luncheon meeting. He emphasized the Board's support for these committees, as they help address transportation needs and priorities.

WHEREUPON, the regular monthly Board meeting officially adjourned at 1 PM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

May 14, 2003

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

March 18-19, 2003

The Idaho Transportation Board met at 8:30 AM, on Tuesday, March 18, 2003, at the Idaho Transportation Department, in Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Acting Director

Steve Hutchinson, Acting Chief Engineer

Karl Vogt, Deputy Attorney General

Due to illness, Member Bruce Sweeney was not able to attend the meeting; however, he participated in a majority of discussions via telephone, including from 8:30 until 10:50 AM.

February 19-20, 2003 Board Minutes. Vice Chairman Combo made a motion, seconded by Member McHugh, to approve the minutes of the regular Board meeting held on February 19-20, 2003 as submitted. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

April 17-18, 2003 – District 4

May 14-15, 2003 – District 3

June 25-27, 2003 – District 2

Consent Calendar. Member Blick made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-14 approves revisions to Board Policies B-23-01, Employee Safety and Risk Management Program; B-27-01, Charter or Rented Aircraft and Pilot's Requirements; B-04-02, Standard Specifications for Construction Projects; and B-05-16, Maintenance of State Highways; speed minute entry changes, US-2 and SH-57, District 1; speed minute entry changes, US-30, District 4; and speed minute entry changes, US-93, District 4; and has received and reviewed the contract award information, the new and supplemental professional agreements report, historical award information for the last five years, and the January financial statement analysis.

- 1) Board Policy B-23-01, Employee Safety and Risk Management Program. Minor revisions were made to this policy to update wording on IDAPA rules, clarify language, and reflect recent ITD title changes. The policy was also renumbered from B-06-30 to B-23-01. No substantive changes were made to the policy.

- 2) Board Policy B-27-01, Charter or Rented Aircraft and Pilot's Requirements. In accordance with Administrative Policy A-01-22, stating that all policies shall be reviewed at least every five years, B-27-01 was reviewed to verify that content was still relevant. No content changes were made to the policy.

- 3) Board Policy B-04-02, Standard Specifications for Construction Projects. This policy was reviewed in accordance with A-01-22. The only revisions to B-04-02 are title changes.

- 4) Board Policy B-05-16, Maintenance of State Highways. This policy was reviewed in accordance with A-01-22. Minor changes were made to update titles and reference sections.

- 5) Speed Minute Entry Changes, US-2 and SH-57, District 1. District 1 conducted an engineering and traffic investigation on portions of US-2 and SH-57. Staff recommends

increasing the speed limits on sections of US-2 that have been recently rebuilt and reducing the speed limit on SH-57 as shown below.

ROUTE LIMIT	FROM MILEPOST	TO MILEPOST	MAX. SPEED
US-2	6.975	14.300	60 MPH
US-2	14.800	25.170	60 MPH
SH-57	1.395	1.595	45 MPH

6) Speed Minute Entry Changes, US-30, District 4. District 4 conducted an engineering and traffic investigation on US-30 from milepost (MP) 210.82 to 215.282, resulting in a recommendation to increase the speed limit from 55 miles per hour (MPH) to 60 with speed limit transitions into and out of the reduced speed limit location.

ROUTE LIMIT	FROM MILEPOST	TO MILEPOST	MAX. SPEED
US-30	210.820	215.282	60 MPH

7) Speed Minute Entry Changes, US-93, District 4. District 4 conducted an engineering and traffic investigation on a portion of US-93 near the Nevada border. The study recommends increasing the speed limit as shown below.

ROUTE LIMIT	FROM MILEPOST	TO MILEPOST	MAX. SPEED
US-93	0.000	26.527	65 MPH

8) Contract Award Information. Key #7049 – I-84, Intersection Cleveland Boulevard and Indiana Avenue, Caldwell, District 3. Low bidder: Quality Electric, Inc. - \$133,301.

Key #8322 – Greensferry Road, District 1. Low bidder: Poe Asphalt Paving, Inc. - \$198,067.

Key #8825 – I-15, FY03 District 6 Signal Upgrades. Low bidder: Beco Construction Company, Inc. - \$84,100.

Key #7168 – US-93, Park Avenue to Artemesia Avenue, Mackay, District 6. Low bidder: H-K Contractors, Inc. - \$896,638.

Keys #7766 and #7780 – I-15, FY03 District 5 and 6 Pavement Striping. Low bidder: Promark, Inc. - \$194,456.

Key #8563 – I-84, Intersection I-84 Eastbound Off at Eagle Road, District 3. Low bidder: Idaho Sand & Gravel Company, Inc. -\$182,378.

Key #8623 – US-26, Junction SH-43, District 6. Low bidder: Wheeler Electric, Inc. - \$431,274.

The low bid on key #8067 – I-90, Kellogg to Osburn, was erroneously reported as Western Construction last month. The low bidder on that project was Westway Construction Company, Inc.

9) New and Supplemental Professional Agreements Report. From February 1 to February 27, the Consultant Administration Unit processed \$1,472,288 in professional, supplemental, and term agreements.

10) Historical Award Information for the Last Five Years. The Transportation Equity Act for the 21st Century resulted in an approximate \$67 million increase in the highway program per year. Over a six-year program, this resulted in \$402 million in new work, and the last five years ITD has successfully obtained another \$55 million in additional funds for a total program adjustment of \$457 million above the funding in the previous highway program. ITD has been able to fully obligate all available funds with limited personnel increases and has improved project delivery yearly. The majority of projects are awarded during the fourth quarter.

11) January Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$5 million, or 4.8%. Expenditures for personnel and operating are 2.8% and 16.3%, respectively, less than budgeted for the month. Capital equipment shows a negative variance of 3.8%, with the majority of this due to encumbrances from the issuance of purchase orders for road equipment and is strictly a timing difference. In contract construction, the federal program is less than spending projections by 0.4% and the state program is 30.9% less than projected.

Aviation Fuel Tax revenue received through the end of January is \$66,100, or 6.2%, less than projected, while miscellaneous revenue is 9% above last year's revenue. Overall expenditures are ahead of the same time period last year. Revenue in the Aircraft Operations Fund is 69% of the annual estimate as of the end of January, and operating expenditures are more than the same time period as last year.

Board Items. Chairman Winder reported that he and Vice Chairman Combo met with officials from the Idaho Falls area and developers recently to discuss the I-15, Sunnyside Interchange project. He said access is a concern and the District needs to continue working with the various parties to address those issues. He also suggested that the Access Management Policy addressing commercialized urban areas, particularly Traffic Impact Studies for major projects, may need to be revisited. Chairman Winder also encouraged staff to keep this project on schedule, as it is a critical project for the city and for economic development efforts.

Acting Director's Items. Staff addressed the Governor's Blue Ribbon Task Force on several issues recently, according to AD Ross. The Committee is not receptive to legislation allowing GARVEE bonds, however, it is supportive of pursuing the design-build concept and consolidating the motor vehicle audit functions with the State Tax Commission.

AD Ross reported that the Citizens for a Safe Highway 16, scheduled to appear before the Board later in the day, met with the Senate Transportation Committee and the Governor's Office. Staff attended those meetings and has visited with the group.

AD Ross was pleased to announce that the Department's studded tire legislation has passed both the House and Senate and has been sent to the Governor.

The US-20 bridge in Nyssa, at the Idaho-Oregon border, was closed recently due to structural damage. He believes the bridge may re-open today for passenger vehicles, but not for truck traffic. He said a new structure is under construction, but it may not be ready for a year.

The Department has been asked to submit congressional earmarks to the appropriations committee for FY04 high priority projects. Staff is also working on transit earmark requests. AD Ross said that Transportation Planning Administrator (TPA) Charles Rountree and Transportation Legislation Policy Specialist Tim Greeley were in Washington, DC recently for a briefing on reauthorization and to meet with Idaho's Congressional Delegation. TPA Rountree elaborated on those meetings and said he believes the trip was beneficial. He stated that the Congressional Delegation appreciated the information on the Bridging the Valley project. In response to a question on the five-state coalition, TPA Rountree reported that ITD is still participating with North Dakota, South Dakota, Wyoming, and Montana on federal transportation issues. The coalition conducts weekly telephone conferences to discuss strategies and activities, particularly on the re-authorization efforts. AD Ross added that the Department will continue to participate in the five-state coalition, as it has been beneficial.

AD Ross said he will be attending the annual Western Association of State Highway and Transportation Officials' annual Chief Executive Officers' meeting in Jackson, Wyoming on April 1.

In conclusion, AD Ross stated that Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar has announced her retirement, effective April 18.

Reports Presented to the Board on a Regular Basis. The Board reviewed a list of reports that are presented at meetings on a regular basis. The Board provided some comments, which staff took under advisement. It was also suggested that the Board members keep this issue in mind as it receives the various reports throughout the year.

Public Opinion Survey Report – Long Range Vision Project. Intermodal Planning Manager Pat Raino highlighted the results of the Public Opinion Survey. This survey was completed as part of Idaho's Transportation Future: Getting There Together efforts to determine Idaho citizens' perspective of transportation. Some 600 randomly-selected residents – 100 in each of the districts – were interviewed by telephone in January. The results will be used as stand-alone information and will also be used at the upcoming regional stakeholder meetings. Some of the findings include a satisfactory rating of the transportation system; mobility is not seen as a significant problem; the top two issues, congestion and deterioration of roads, were seen as getting worse in the future; transportation is seen as very important to many facets of life; and population growth was rated among the major causes of transportation problems, but not land use patterns.

Quarterly Report on Legal Actions. The cases resolved by the Legal Section from January 1 to March 1, 2003 and a status of current legal cases were presented for information. Former Deputy Attorney General Mary York provided additional information on the American Trucking Association (ATA) case, which has been finalized. Approximately \$3 million remained in the account and the judge approved utilizing those funds for projects submitted by ATA to benefit the plaintiff class. The University of Idaho will act as facilitator for those projects, although the details on implementing the projects have not been finalized.

Chairman Winder thanked Ms. York for attending the Board meeting and briefing the members on this case.

Progress Report on In Lieu Fee Agreement for Wetland Mitigation. Environmental Section Manager Dennis Clark reported that several meetings with interested and impacted parties have been conducted to discuss and improve the process for the In Lieu Fee Agreement for Wetland Mitigation.

Responses to the comments received as a result of the Public Notice have been prepared and will be sent soon. He said that work is continuing on the question of federal aid requirements on the mitigation projects proposed by The Nature Conservancy; determining whether those projects will be required to comply with the same conditions as highway projects.

In response to a question on funding, Will Wheland with The Nature Conservancy replied that the initial contribution to the fund was \$2 million. The money will be credited to projects as it is spent, and he believes more money will be provided for new projects once the initial \$2 million has been expended. He added that additional details need to be worked out.

Chairman Winder thanked Messrs. Clark and Wheland for the informative update.

Addition of SH-33, 2000 West to US-20 to FY04 of the State Funded Board Unallocated Program, District 6. District 6 Engineer Tom Cole requested approval to add the SH-33, 2000 West to US-20 project to the FY04 Board Unallocated Account. The City of Rexburg is expanding in this area, partly due to the growth of BYU – Idaho, resulting in increased traffic in this vicinity. The SH-33 and 2000 West intersection has been identified as a high accident location, and the District has received many comments regarding the safety of this intersection from state legislators and local officials. Currently, SH-33 is three lanes wide to the east of US-20, but only two lanes wide to the west. DE Cole said several improvements have been made to the intersection, and although those improvements helped, they did not eliminate the safety concerns.

A partnership between the City of Rexburg, Madison County, and Valley Wide Coop, which is developing businesses in the area creating multiple access points along SH-33, has been formed to address the safety concerns of the SH-33 and 2000 West intersection. DE Cole would like to join the partnership to improve safety. He is proposing a \$375,000 project to widen the half-mile section of SH-33 to incorporate turn lanes and add traffic signals to the intersection. DE Cole requested \$275,000 from the Board's Unallocated Account because of the accelerated time-frame necessary to partner in this project and to not delay projects in the District's current Program. Valley Wide Coop would contribute approximately \$80,000 and Madison County and the City of Rexburg would commit about \$10,000 each.

Vice Chairman Combo expressed support for this project. He believes it will be beneficial to the state highway system and is pleased with the partnership.

Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

ITB03-15 accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, there is a balance of \$1.6 million of the \$2 million of state highway funds set aside in FY04 for use at the Board's discretion in the Board Unallocated Program; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements; and

WHEREAS, growth in the City of Rexburg and Madison County and recent business developments have caused an abrupt increase in congestion and decrease in safety on SH-33 between 2000 West and US-20; and

WHEREAS, the intersection of SH-33 and 2000 West is recognized as a high accident location by the Department; and

WHEREAS, the City of Rexburg, the Valley Wide Coop, and Madison County have agreed to contribute \$100,00 of the \$375,000 estimated to reduce congestion and increase safety on SH-33 between 2000 West and US-20; and

WHEREAS, it is in the Department's best interest to make improvements to this section of SH-33 as soon as possible.

NOW THEREFORE BE IT RESOLVED, that the Board approves the addition of SH-33, 2000 West to US-20 for \$275,000 to FY04 of the state funded Board Unallocated Program; and

BE IT FURTHER RESOLVED, that Department staff is authorized to make appropriate changes to the FY03 to FY05 Statewide Transportation Improvement Program in accordance with the provisions of the Transportation Equity Act for the 21st Century.

Contract Award. Member McHugh made a motion to award the contract on key #6021, BRF-NH-5110(107) – US-95, Westmond Bridge, Bonner County, District 1, to the low bidder: Harcon Inc., Spokane, Washington - \$3,450,024.47. Member Blick seconded the motion and it passed unopposed.

Recognition of Eligible Applicant for Federal Transit Administration (FTA) Urbanized Funding. FTA Section 5307 funding for small urbanized areas comes to the state as a "Governor's Allocation" where ITD is the designated recipient for the funds and works with local agencies to apply for the funds. Because Kootenai County is now considered an urbanized area, elected officials have chosen Kootenai County as the eligible applicant for the FTA funds, according to Public Transportation Administrator (PTA) Larry Falkner.

Member McHugh made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, as a result of the 2000 census, an urbanized area has been

ITB03-16

recognized by the United States Census Bureau as the Coeur d'Alene Urbanized Area including the cities of Coeur d'Alene, Post Falls, Heutter, Dalton Gardens, Hayden, Fernan Lake, and Hayden Lake in Kootenai County Idaho; and

WHEREAS, the Federal Transit Administration (FTA) makes funds available through the Section 5307 Urbanized Program to the chief executive officer of the state for distribution to the urbanized areas; and

WHEREAS, the chief executive officer of the state through Executive Order 2000-05 has designated the Idaho Transportation Department to oversee the FTA funding available to the state, under 49 U.S.C. 5336; and

WHEREAS, elected officials of each community in the Kootenai Urbanized Area have passed resolutions requesting Kootenai County be recognized as the lead agency for the FTA funds; and

WHEREAS, the Kootenai County Board of Commissioners has agreed to become the lead agency for the public transportation in the Urbanized Area and be designated as the eligible applicant for the funds.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board concurs with the selection of Kootenai County to be the eligible applicant for the Section 5307 Urbanized Area Formula funds for the Coeur d'Alene Urbanized Area; and

BE IT FURTHER RESOLVED, that the Board directs staff to work with the FTA to formalize the recognition of Kootenai County as the eligible applicant for funding.

FY03/SFY04 Public Transportation Grant Funding. PTA Falkner reported that public meetings were held throughout the state as part of the process to solicit projects for FY03

FTA Section 5311 Rural Program, Section 5310 Elderly and Persons with Disabilities Program, and state FY04 Vehicle Investment Program funding. Staff reviewed the applications and recommended projects to the Public Transportation Advisory Council (PTAC). PTA Falkner said the PTAC supports staff's recommendations.

Member Blick made a motion, seconded by Vice Chairman Combo, and passed unopposed to approve the following resolution:

RES. NO. WHEREAS, the Division of Public Transportation has completed the review of

ITB03-17 all applications for funding, held meetings in each District for public input and developed project recommendations for the FY03 Federal Transit Administration programs as follows:

- Section 5310 Elderly and Persons with Disabilities Transportation - \$408,463
- Section 5311 Rural and Intercity transportation - \$1,563,835, and
- Vehicle Investment Program (VIP) - \$312,000; and

WHEREAS, the Public Transportation Advisory Council participated in the district public meetings, has worked with staff in evaluating applications, and has concurred with the funding recommendations as presented.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board approves the funding recommendations for FY03, as shown as Exhibit 271, which is made a part hereof with like effect, contingent on legislative approval for funding the VIP.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), and (f), Idaho Code. Vice Chairman Combo made a motion to meet in executive session at 10:50 AM to discuss personnel and legal matters. Member Miller seconded the motion and it passed 5-0 by individual roll call vote; however, Member Sweeney did not participate in the executive session.

The general tenor of the personnel items included consideration of hiring public officers to fill non-elective offices.

The general tenor of the discussions on legal issues included a petition for judicial review of a Board decision and updates on pending litigation.

The Board came out of executive session at 12:10 PM. No decisions were made.

Chairman Winder left the meeting at this time and Vice Chairman Combo presided.

Information Strategy Plan (ISP) and Enterprise Data Model (EDM) Update. PTA Falkner provided background information on the ISP/EDM project, established to document the current data and systems environment of the Department and develop a strategy to move toward the goals outlined in the Master Plan for Information Technology. Michael Alb elaborated on the successes of the project in the information architecture, business system architecture, and technology infrastructure architecture arenas. Program management for the Technology Implementation Program needs to be addressed, specifically determining the program management strategy and implementing the program management solution.

Annual Report from the Information Services (IS) Section. Information Services Manager (ISM) Mark Richardson highlighted the accomplishments of IS during the past year. Some of those activities included updating the IS strategic plan and continuing progress on IDANET, the state's high speed digital telecommunications network sponsored by the Department of Administration. IS staff participated on numerous teams

and addressed various needs of the Department, such as programming for new license plates, automating Selective Service registration as part of the County Drivers License Issuance System, designing and implementing a new database for access control, and upgrading the Accounts Payable process. ISM Richardson said some of the projects for 2003 include continuing web development and work on the business continuity plan. He thanked the Board and management for its support in the information technology arena.

PTA Falkner added that the efforts in the technology arena are in line with the Information Technology Resource Management Council policies and guidelines. He expressed appreciation to all of the players in this area throughout the state, and stated that a lot of hard work is occurring on these efforts.

Vice Chairman Combo commended staff for the team work in this arena and thanked the gentlemen for the reports.

Annual Report on Audits. Carri Rosti, Internal Review Manager, provided an overview of the Internal Review Office's activities in 2002, including internal reviews of the right-of-way procedures, dealer operations, utility bill consolidation, and equipment rates. Pre-award reviews of consultant agreements, consultant overhead rates, and consultant agreement post audits were some of the external reviews completed. She said the work plan for 2003 will include a review of the Division of Aeronautics, an audit of the road maintenance equipment, a review of information technology security, and audits on two public transportation sub-grantees. She added that the Office will continue to participate in peer reviews.

Member McHugh believes peer reviews are valuable. He read from a peer review report completed a couple of years ago praising ITD's Internal Review Office for its work, and particularly commending the Office for completing more audits without more staff.

Member Sweeney listened to the following discussion via telephone.

Indirect Cost Allocation. Dave Tolman, Controller, reported that staff has been working to develop an indirect cost allocation rate to allow ITD to recover indirect costs from FHWA. The plan from which the rate is determined is based on federal guidelines and

must be approved by FHWA. Advantages of the indirect cost allocation are funds collected do not carry federal restrictions and would result in an increase in funds in the State Program. Mr. Tolman said a number of issues need to be addressed, such as timing, application of the rate, and impacts to the current program obligation, future program obligation, programs with federal limits, and local projects.

In response to a question on using the funds, Mr. Tolman said the funds would be considered dedicated funds. Member Blick questioned applying this system to the local public agencies. AD Ross replied that additional work needs to be completed on that issue and that the Department needs to be sensitive to the impacts to local agencies. Byron Keely, Deputy Director of the Local Highway Technical Assistance Council, stated that some funds may be needed to help run the rural program when they implement federal funding.

Vice Chairman Combo requested this item be on next month's agenda, partly because of the absence of several Board members, and also so additional information could be provided.

Annual Report on Wellness Program. Illustrator Pauline Davis, Wellness Council Chair, summarized the activities the Wellness Council offered to employees last year and the Program's accomplishments throughout the state. She said the participation level and success of the Wellness Program continues to grow.

Vice Chairman Combo thanked Ms. Davis for the annual report and extended appreciation to the volunteers on the Wellness Council. The Board is supportive of this Program and commended the Council for its efforts.

Member Sweeney participated in the following item via telephone.

Delegation – Citizens for a Safe Highway 16. Lilas McColm-Traska thanked the Board for its time. She emphasized that numerous citizens of Ada and Gem Counties support

improvements to SH-16. They believe there is an urgent need to address safety on this corridor and would like to see the route expanded to a four-lane highway.

Nissa Watts provided statistics on Emmett's population growth, increased average daily traffic (ADT) counts, and accidents. From 1990 to 2000 the ADT increased 50%, and has continued to increase since 2000 when the ADT was 6,900. The additional traffic is causing safety concerns, and she asked the Board to make this highway a high priority for funding.

Although the delegation understands that there are numerous transportation needs throughout the state, Chris Erlebach believes there is urgency to improve SH-16 and encouraged the Board to program more projects in the STIP. She said that District 3 has approximately 300 projects in the current STIP, while only five projects are related to SH-16. She requested that

SH-16 be a high priority and brought to the standard it needs to be for public safety and traffic requirements.

Cathy Smith thanked the District for working with the group and trying to resolve its transportation concerns. She also urged the Board to make SH-16 a high priority for improvements, as it is a critical route for the Emmett community.

AD Ross acknowledged the need to improve this highway due to the growth in the area. He stated that funding is an issue and reported that the District is in the process of completing the environmental document. Once that process is complete, future projects can be identified and right-of-way can be acquired. Although Member Blick expressed support to improve SH-16, he expressed funding concerns, as there are numerous needs throughout the state. He also added that designing and constructing projects can be a time-consuming process.

Acting Chief Engineer Steve Hutchinson encouraged the delegation to stay involved in the process, attend public meetings, and communicate with District staff. DE3 Pamela Lowe expressed appreciation for the group's and community's participation in the process and the comments that have been received on this route. She also emphasized the importance of public involvement.

Vice Chairman Combo thanked the women of the delegation for their remarks. The Board acknowledged the delegation's request to improve SH-16 and took the comments under advisement.

Vice Chairman Combo thanked Representative Kathy Skippen for attending the presentation by the Citizens for a Safe Highway 16. Representative Skippen provided the Board members with a letter in support of the proposed Indian Valley Cutoff route and encouraged the Board to consider funding that project.

WHEREUPON the meeting recessed at 4:15 PM.

March 19, 2003

The Board met at 8:35 AM on Wednesday, March 19 at the Idaho Transportation Department, Boise. Vice Chairman Combo, and Members Blick, McHugh, and Miller were present.

Legislative Report. BPIRM Detmar briefed the Board on legislative activities. ITD's legislation on proof of financial responsibility is in the House Transportation Committee, and changing some motor vehicle notifications from certified mail to first class mail and the studded tire proposal have both been sent to the Governor. She also provided information on the Joint Finance and Appropriations Committee's recommended FY04 appropriations for the Department and additional information on the issues presented to the Governor's Blue Ribbon Task Force, Committee on Public Safety, Transportation, and Natural Resources.

Vice Chairman Combo thanked BPIRM Detmar for the report.

New Business. Acting CE Hutchinson reported that the low bid on project ER-2500(102), key #8528 – US-95, Elk Lake Road Bridge, Adams and Idaho Counties, was more than ten percent over the engineer's estimate, requiring justification. The engineer's estimate was developed using the Average Unit Price Report and the bid prices from a similar Emergency Relief project. There were two items that mainly contributed to the difference between the engineer's estimate and the low bidder: Plant Mix Pavement Class I and Directed Surveying. The cost of pavement is dependent on the price of oil, which has been steadily increasing, and is also difficult to predict for small quantities, as found in this project. The amount of Directed Surveying varies significantly between projects, and the Average Unit Price Report generally does not provide a good estimate. This project will require more Directed Survey than the average project. The bridge project has a six-week time frame, or fish window, where in-stream work can be completed. If this start time is missed, the project would be delayed a year. Based on a review of the bids and scheduling concerns, staff recommends awarding the project.

Member Miller made a motion to award the contract on ER-2500(102), key #8528 to the low bidder: Christiansen Construction Company, Twin Falls, Idaho - \$759,049.05. Member Blick seconded the motion and it passed unopposed.

Employee Service Awards. The Board participated in the Employee Service Awards, with Vice Chairman Combo providing remarks. Dennis Mendenhall, District 5, and Randy Drake, District 6, were recognized as the Maintenance Person of the Year and Safety Person of the Year, respectively. District 6 Port of Entry employees Dave Haderlie and Ron Lindsay received the First There First Care award for providing assistance when a pickup truck towing a camp trailer caught on fire on US-93 last summer.

WHEREUPON, the regular monthly Board meeting officially adjourned at 11:10 AM.

_____ signed _____

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

April 17, 2003

Twin Falls, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

February 19-20, 2003

The Idaho Transportation Board met at 8:30 AM, on Wednesday, February 19, 2003, at the Idaho Transportation Department, in Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Bruce Sweeney, Member – District 2

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Acting Director

Steve Hutchinson, Acting Chief Engineer

Steve Bywater, Deputy Attorney General

The Board reviewed the agenda for the meeting.

Election of Vice Chairman. Member Miller made a motion to re-elect John X. Combo as Vice-Chairman of the Board. Member Sweeney seconded the motion and it passed 5-0, with Vice Chairman Combo abstaining.

Various Board Minutes. Member Blick made a motion, seconded by Member Sweeney, to approve the minutes of the regular Board meeting held on January 15-16, 2003 as corrected, the special Board meeting held on January 23, 2003 as submitted, and the special Board meeting held on February 4, 2003, as submitted. The motion passed unopposed.

Board Meeting Dates. The following meeting dates and locations were scheduled:

March 18-19, 2003 – Boise

April 17-18, 2003 – District 4

May 14-15, 2003 – District 3

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-07 approves the state institution road improvement funds annual allocation and speed zone changes in District 5, and has received and reviewed the contract award information, the new and supplemental professional agreements report, the speed minute changes for November 2002 – January 2003, the quarterly returned check report, and the summary of out-of-state travel for the first half of FY03.

1) State Institution Road Improvement Funds Annual Allocation. As outlined in a memorandum of understanding with the Department of Administration, the Division of Public Works (DPW) solicited projects from state institutions and acquired the Governor’s endorsement for a project. The FY04 allocation of \$30,000 is requested for road improvements at the Department of Juvenile Corrections at its St. Anthony Juvenile Corrections Center. Upon Board approval, DPW will receive the funds and administer or cause to be administered this roadway improvement project.

2) Speed Zone Changes, District 5. Residents of Bear Lake County expressed concern with speed limits entering and exiting area cities, as speeds are reduced from 65 miles per hour (MPH) to 35 MPH at some city limits. Staff conducted a traffic engineering analysis and recommends the following speed limit changes on US-89 in Bear Lake:

FROM MILEPOST LIMIT	TO MILEPOST	MAXIMUM SPEED
0.0	2.43	55 MPH
2.43	2.94	35 MPH
3.09	6.99	45 MPH
6.99	7.31	55 MPH
7.31	8.22	45 MPH
8.22	9.1	55 MPH

9.1	12.828	65 MPH
12.828	14.01	45 MPH
14.01	14.99	65 MPH
14.99	15.50	45 MPH
15.50	15.79	35 MPH
15.79	16.09	25 MPH
16.09	16.27	35 MPH
16.27	17.08	45 MPH
17.08	19.90	65 MPH
19.90	20.44	45 MPH
20.44	24.80	65 MPH

3) Contract Award Information. Key #8067 – I-90, Kellogg to Osburn, District 1. Low bidder: Western Construction Company, Inc. - \$1,061,557.

Key #7842 – I-86, Rainbow Road Underpass, District 5. Low bidder: Idaho Construction Company - \$309,936.

Keys #7064 and #7839 – SH-37, Three Bridges, and US-91, Cedar Point Canal Bridge, District 5. Low bidder: Concrete Placing Company, Inc. - \$1,560,322.

Key #8155 – US-12, Eastbound Passing Lane, Milepost 27, District 2. Low bidder: M L Albright & Sons Inc. - \$1,856,353.

4) New and Supplemental Professional Agreements Report. From December 28 to January 31, the Consultant Administration Unit processed \$2,129,420 in professional, supplemental, and term agreements.

5) Speed Minute Entry Changes for November 2002 – January 2003. Based on a traffic and engineering investigation, the following speed minute changes were made:

ROUTE	FROM MILEPOST	TO MILEPOST	NEW LIMIT
I-84B	3.000	3.880	35
SH-55	2.543	2.749	35
SH-55	2.749	3.008	45
US-30	21.530	21.672	35
US-30	21.672	21.814	45
US-93	49.670	50.000	40
I-15B	1.800	2.280	25
I-15B	1.800	2.270	25
US-26	1.545	1.740	35
US-26	1.740	2.012	25
US-26	2.012	2.212	35
SH-48	24.33	24.409	25

6) Quarterly Returned Check Report. During the second quarter of FY03, \$16,553,222 in check were received, while \$48,616, or .29% were returned. Collection of returned checks amounted to \$53,047 for an annualized collection rate of 98.1%.

7) Summary of Out-of-State Travel for First Half of FY03. During the first half of FY03, approximately 176 trips were taken at a cost of \$100,260. The direct reimbursement trips are not included in these figures.

Board Items. Member Sweeney informed the Board that he made opening remarks before the Department's budget presentation to the Joint Finance and Appropriations Committee meeting. He focused on the Board's authority and responsibility and also provided a briefing on the process to hire a director. He believes staff did a good job on its presentation and also commented on the benefits of having former Board Member Mike Mitchell on the Committee.

Due to staffing changes in the state's congressional delegations' offices, Member Blick requested that another letter expressing the Board's concern with the stringent requirements of Section 4(f) of the Department of Transportation Act of 1966 and Section 106 of the National Historic Preservation Act addressing the environmental and historical aspects of transportation projects be submitted. The Board concurred to reiterate its support to improve these processes.

Chairman Winder mentioned several issues that have been brought to his attention recently, including development plans in the vicinity of a proposed 10 Mile interchange on I-84 in District 3; right-of-way concerns at a bed and breakfast along US-12 in District 2; a proposed interchange on I-15 in Idaho Falls; a petition to make improvements to several Pocatello-area streets and not decrease speed limits; and right-of-way concerns from a business impacted by the programmed I-84, Karcher Interchange project in Nampa in District 3. The respective Board members indicated that they are aware of these issues and that the District Offices are working with the appropriate parties. He also mentioned that the 11th Avenue Railroad Underpass project in Nampa was recently completed and he participated in the ribbon-cutting ceremony.

Chairman Winder reported that a recommendation for final distribution of funds on the American Trucking Association lawsuit and closure of the case has been submitted to the judge. He believes the judge will act on the recommendation in two or three months.

Chairman Winder expressed concern with traffic turning left from Glenwood Road (SH-44) onto Strawberry Glenn Road. He asked staff to consider improvements to address the safety concerns.

Chairman Winder met with a delegation from the State of Washington and District 1 Engineer Scott Stokes recently to discuss the Bridging the Valley project. Washington is very supportive of this project, and its congressional delegation is pursuing earmark funding through the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21). The delegation requested Idaho's financial support in the amount of \$800,000 for design expenses and to also seek federal earmark funds.

Member McHugh welcomed Glenn Miles with the Spokane Regional Transportation Council to the meeting. Member McHugh emphasized that the project would eliminate numerous at-grade crossings in Kootenai County and encouraged the Board to endorse this project and seek federal funds. He believes this project would greatly improve safety on the local and state highway system. DE Stokes supported the proposed partnership on this project, but said that the state's match for the project is a concern.

Acting Director (AD) Ross discussed this project with the director of the Washington Department of Transportation (WDOT). WDOT does not intend to use federal formula funds for the project. AD Ross believes the Bridging the Valley project would be beneficial; however, he does not support funding it with ITD's federal formula funds.

Member Blick believes the project is worthwhile, but expressed concern with the cost, as the total cost is estimated at \$270 million, with Idaho's share approximately \$120 million. By general consensus, the Board asked staff to explore funding options for the Bridging the Valley project and present recommendations later. (See later minute entry.)

Acting Director's Items. AD Ross expressed appreciation to Chairman Winder and Member Sweeney for their participation in the recent legislative presentations. He believes the various presentations were well received. He also thanked staff for its hard work and efforts on the various presentations. Chairman Winder also thanked AD Ross for his participation with the presentations, his efforts with the legislature, and the leadership role he has assumed as acting director. He also expressed thanks to the employees for their assistance with the legislative presentations. He believes the Department has established a good process.

Congress passed the FY03 transportation appropriations bill, according to AD Ross. He provided information on the earmarked projects included for Idaho in the amount of \$18 million.

AD Ross provided a list of high priority projects totaling \$259 million that ITD would like to submit to Idaho's Congressional Delegation for inclusion in the TEA-21 reauthorization bill. The Board concurred with the listed projects.

In response to the recent national increase of security to the "orange" level, ITD also increased its security efforts, according to AD Ross. The Board asked for an overview of the steps ITD takes at each security level, estimated costs, and if it would be feasible for the National Guard to provide assistance. Although staff will provide detailed information, AD Ross stated that the "orange" level includes daily inspections of critical bridges.

AD Ross will participate on the Idaho Rural Partnership, which is an initiative to assist rural areas with economic development and efforts to stimulate the economy.

Earlier this month, the Moscow Chamber of Commerce met with staff in Boise to discuss its priorities and various transportation issues. AD Ross believes the meeting went well and that the group is pleased with its relationship with ITD and with the Department's efforts.

ITD was recognized recently for its participation in Idaho's State Use Law, according to AD Ross. ITD purchases a number of products in eastern Idaho produced by groups with disabilities.

In conclusion, AD Ross stated that Transportation Legislation and Policy Specialist Tim Greeley and Transportation Planning Administrator Charles Rountree would be attending the American Association of State Highway and Transportation Officials Washington briefing in Washington, DC next week.

December Financial Statement Analysis. Controller Dave Tolman reported that revenue from the Highway Distribution Account is below the forecast by \$4.7 million, or 5.3%. Expenditures for personnel and operating are 2.9% and 19.4%, respectively, less than budgeted for the month. Capital equipment shows a negative variance of 6.8%, with the

majority of this due to encumbrances from the issuance of purchase orders for road equipment and is strictly a timing difference. In contract construction, the federal program is less than spending projections by 0.8% and the state program is 29.8% less than projected.

Aviation Fuel Tax revenue received through the end of December is \$55,700, or 5.9%, less than projected, while miscellaneous revenue is 6% above last year's revenue. Overall expenditures are ahead of the same time period last year, with the exception of personnel costs, which are approximately the same as last year. Revenue in the Aircraft Operations Fund is ahead of estimates by \$28,200, or 11.6%, and operating expenditures are more than the same time period as last year.

Integrated Financial Management System (IFMS) Status Report. The IFMS was implemented in January 1998. Because the software vendor, Oracle, announced it would discontinue supporting the current version of the software, Controller Tolman said an enhancement in the FY03 budget was approved to upgrade the software. The upgrade of \$1.6 million includes 92% federal participation. He said that staff is not limiting its options to Oracle, but will choose the best overall solution for the Department. It is anticipated that a contract will be signed by the end of May. The Board encouraged staff to consider all of the available options and to involve District personnel so the system will accommodate their needs.

Delegation – Community Transit Association of Idaho (CTAI). Terri Lindenburg, CTAI President, thanked the Board members for their time and for their previous support of CTAI projects. Terry Crawford, Director of Ketchum Area Rapid Transit, summarized the transit projects CTAI will be requesting for FY04 Section 5309 discretionary funds. Idaho's Congressional Delegation will be asked to support seven projects totaling \$5,596,500, with federal funds of \$4,506,600. He also asked the Board to submit a letter of support for the requested projects, as public transportation is a valuable mode that needs to be enhanced and expanded.

Chairman Winder thanked Mr. Crawford for the presentation. By unanimous consent, the Board concurred to submit a letter to Idaho's Congressional Delegation in support of CTAI's FY04 Section 5309 discretionary fund requests.

Delegation – City of Bonners Ferry. Bonners Ferry Mayor Darrell Kerby reiterated the community's support for a visitor's center/rest area along US-95 in Bonners Ferry and for the state's relinquishment of the US-95 Business Loop in the city, as proposed at the October Board meeting. He presented a budget proposal, including a \$500,000 Enhancement project for the visitor center. Mayor Kerby asked ITD to provide the \$81,000 match on that project, \$305,000 for parking lot improvements, and \$630,000 to the city for improvements to US-95B upon the state's relinquishment of the route. He emphasized the value of partnering and stated that several other entities will participate in funding the proposals. He also clarified that a pedestrian underpass is currently scheduled in the Enhancement Program for \$500,000 in federal funds.

Member Miller commented that there are a number of federal restrictions regarding rest areas. DE Stokes said that staff has done research on the Enhancement Program and specifically reviewed the criteria for visitor centers. He has also discussed this proposal with FHWA personnel. In response to Vice Chairman Combo's question on the ownership of the visitor center, DE Stokes said that the ownership has not been finalized. ITD may own the building, but the City is willing to operate and maintain the facility.

Vice Chairman Combo said that procedures for the Enhancement Program have been developed. An Enhancement Advisory Committee was established to review Enhancement project requests for eligibility and to recommend projects for funding. He also emphasized the need to coordinate visitor center plans with FHWA. Member McHugh stated that funds provided to the city for the relinquishment of US-95B should be used for improvements to that route.

Member McHugh made a motion to authorize staff to finalize the budget proposal for a visitor's center in Bonners Ferry and the relinquishment US-95B to the City of Bonners Ferry. Member Blick seconded the motion and it passed unopposed.

Airpool Revenues and Expenditures. Aeronautics Administrator (AA) Bob Martin provided information on the usage of the Department's aircraft, as requested last month. From FY00 through the first half of FY03, the Governor's Office, Department of Juvenile Corrections, and ITD have utilized the King Air 24%, 17%, and 13%, respectively. The Department of Fish and Game is the primary user of the Cessna 182 and the Division of Aeronautics is the primary user of the Cessna 206.

He reiterated that the Division of Aeronautics is not capable of continuing to subsidize the aircraft pool and asked the Board to approve another source for the subsidy, as the Division and Aeronautics Advisory Board believe it is in the best interest of the state for the Division to continue providing air service to state agencies. He distributed detailed information on nine options for funding the aircraft pool.

The Board requested more time to review the information distributed at the meeting, asked for additional information on the usage and associated costs for all three aircraft, and asked that Member Sweeney, the Board's liaison on aviation issues, look into the issue further. By unanimous consent, the aircraft pool revenue and expenditures item was deferred one month.

Bridging the Valley, Revisited. Highway Programming Manager (HPM) Dave Amick reviewed possible funding sources in the amount of \$800,000 for the preliminary design of this project. He stated that the federal Program is over programmed, although it is hoped that the FY03 appropriation will provide sufficient funds for the current Program. Funding the Bridging the Valley project from multiple sources, such as the STP Program and non-formula funds, may be an option. Other sources may be the State Board Unallocated Account or the State Railroad Crossing Protection Account.

The consensus of the Board was to revise the proposed resolution and revisit this item under old business. (See later minute entry.)

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), and (f), Idaho Code. Member Sweeney made a motion to meet in executive session at 11:25 AM to discuss personnel and legal matters. Member Miller seconded the motion and it passed 6-0 by individual roll call vote.

The general tenor of the personnel item included consideration of hiring a public officer to fill a non-elective office.

The general tenor of the discussions on legal issues included discussion on a pending appeal before the Board and an update on allegations of an outside firm providing false reports to the Department.

The Board came out of executive session at 1:10 PM. No decisions were made.

Annual Safety Rest Area Status Report and Updated Planning Map. Cathy Ford, Roadside Program Administrator, provided a status of ITD's rest areas. She also reported on the desire to inform the public of noxious weeds. ITD is working with the Idaho Weed Awareness Campaign to educate and promote public awareness on noxious weeds statewide. These efforts include working with various counties to produce signs and brochures that will be placed at some rest area locations to increase public awareness and prevent the spread of noxious weeds. Other activities in FY02 included coordinating with the Districts to update and standardize rest area contracts, developing priorities for rest areas and rest area projects, and working with the Department of Commerce to design a survey to poll travelers who use Idaho's rest areas to gain more information about rest areas, rest area use, and travelers' needs. She added that ITD has entered into a memorandum of understanding with the Departments of Commerce and Parks and Recreation for the three gateway visitor centers. Commerce has agreed to manage and assume responsibility for these visitor centers.

Member Miller questioned the use of state forces versus contract services for the maintenance of rest areas. Ms. Ford responded that each District is responsible for the maintenance of the facilities and determines which method to use. AD Ross added that he does not support uniformity with rest area maintenance, but prefers allowing each District to determine the best methodology to maintain its facilities. The Board asked for additional information on maintenance and costs and deferred action on the rest area planning map.

Rest Area Needs Assessment, Prioritization, and Funding. Ms. Ford and Nathan Hesterman, Senior Planner, summarized options to assess, prioritize, and fund safety rest areas. An example of a simple priority ranking system for existing rest areas was presented. Ms. Ford indicated that approximately \$104 million is required to meet the projected rest area needs for the next 20 years. This is based on recommendations from the 1993 Rest Area Task Force, rehabilitation/reconstruction intervals, the 2000 Truck Parking Study, 2001 traffic volumes, and updated costs based upon past rest area rehabilitation projects and inflation. Mr. Hesterman said that approximately \$25 million is currently programmed for rest area needs. Because all of the existing rest areas are located on the National Highway System, formula federal-aid funds may be used to fund rest area projects. Additionally, the Interstate Maintenance Discretionary Program, Scenic Byways Discretionary Program, and Coordinated Border Infrastructure Program

discretionary funds would also be eligible; however, the discretionary funds require a congressional earmark or would be acquired through a national competitive process.

Member Miller suggested contacting the state's congressional delegation to ease restrictions on rest area funding. He believes the funding requirements, tied to the number of truck parking spaces, is too restrictive. Member Sweeney asked if the same architectural design could be used for the construction of all new rest areas. Ms. Ford believes that option is feasible, or at least using a basic design for the rest area with minor modifications based on the type of facility.

Member Blick expressed support for a program to fund rest area projects throughout the state and a plan to address the facilities' needs. It is difficult for Districts to fund rest area projects when there is a backlog of highway and bridge needs. Vice Chairman Combo suggested deferring this item. He would like to discuss this issue with the District 6 Engineer. He asked how other states handle their rest areas, questioned imposing a moratorium on new safety rest areas until the improvements to the existing facilities have been addressed, and commented that the reauthorization of TEA-21 may impact rest areas.

Ms. Ford contacted some states regarding their rest area programs. She said that Washington has a special fund for constructing and maintaining rest areas, and added that Texas and California also have fairly aggressive rest area programs.

Vice Chairman Combo made a motion to table the two rest area items: annual safety rest area status report and updated planning map and the rest area needs assessment, prioritization, and funding. Member Sweeney seconded the motion and it passed unopposed.

Delay of I-90, Government Way Underpass, Coeur d'Alene, Key #7127, Project #IM-90-1(198)12, to Offset District 1 Prior Year Project Cost Increases. HPM Amick requested delaying the I-90, Government Way Underpass project from FY03 to FY04 to offset \$236,000 in cost increases from the FY98 US-2, Wrenco Loop to Dover and the FY02 I-90, Kellogg to Osburn projects. The Government Way Underpass project would replace a structurally deficient bridge and is programmed for construction for \$3 million. This project was chosen for delay because the remaining projects in the District are either obligated or are more likely to be delivered as programmed. The remaining \$2.8 million

of FY03 funds that would result from this delay would be distributed to other District 1 projects.

Member McHugh made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

ITB03-08 to accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, Administrative Policy A-11-02 provides for the quarterly balancing of current year cost increases to projects obligated in prior years; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements.

NOW THEREFORE BE IT RESOLVED, that the Board approves the offset of \$236,000 in prior year project cost increases on US-2, Wrenco Loop to Dover (key #0717, project #NH-F-5121(019)) and I-90, Kellogg to Osburn (key #8067, project #IM-90-1(204)41), with the delay of I-90, Government Way Underpass, Coeur d'Alene (key #7127, project #IM-90-1(198)12) from FY03 to FY04; and

BE IT FURTHER RESOLVED, that Department staff is authorized to make the appropriate changes to the FY03 to FY05 Statewide

Transportation Improvement Program in accordance with the provisions of the 1998 Transportation Equity Act for the 21st Century.

District 3 Federal Highway Program Changes to Fund First Quarter Project Cost Increases. District 3 needs \$1.7 million to fund overruns on prior year construction projects, according to HPM Amick. Staff is requesting delaying the SH-55, Wetland Mitigation, Valley County project at a cost of \$1.38 million from FY03 to FY04 and delaying right-of-way and construction funding on several other projects, which he outlined.

Vice Chairman Combo made a motion, seconded by Member McClure, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public's interest for the Idaho Transportation Department

ITB03-09 to publish and accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, the 1998 Transportation Equity Act for the 21st Century (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements; and

WHEREAS, District 3 has experienced \$1.7 million in unanticipated cost increases on prior year projects in the Federal Highway Program.

NOW THEREFORE BE IT RESOLVED, that the Board approves the delay of key #8615, SH-55, Wetland Mitigation in Valley County from FY03 to FY04; the delay of key #6592, SH-55 Elo Road and Johnson Lane from FY04 to FY05; and the delay of key #8956, I-84, SH-44 Interchange to Caldwell from FY05 to FY06 in the Federal Highway Program; and

BE IT FURTHER RESOLVED, that Department staff is authorized to make the appropriate changes to the FY03 to FY05 STIP in accordance with the provisions of TEA-21.

Delay of Bannock Planning Organization (BPO) Planning Support, Bannock County, Key #9003, District 5. HPM Amick said the Urban Committee discussed and agreed to delay the BPO Planning Support project, in the amount of \$50,000, from FY03 to FY04 in the STP-Local Urban Program. Preliminary engineering and design on the Mullan Avenue and Greensferry Road to SH-41, Post Falls project (key #9026,) will be funded in FY03 with the availability of the \$50,000.

Vice Chairman Combo made a motion, seconded by Member Sweeney, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

ITB03-10 accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, Administrative Policy A-11-04, Allocation of Surface Transportation Program Apportionments to Local Public Agencies, established a policy for cooperative efforts between the Department and Local Public Agencies; and

WHEREAS, the Local Highway Technical Assistance Council, the Urban Committee, and the Department concur with the requested change; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements; and

WHEREAS, the Transportation Equity Act for the 21st Century of 1998 (TEA-21) requires that a priority list of projects covering a three-year period be provided in a Statewide Transportation Improvement Program (STIP); and

NOW THEREFORE BE IT RESOLVED, that the Board approves the delay of BPO Planning Support, Bannock County (key #9003, project #STP-0005(137)) to the FY03-07 and Preliminary Development Highway Program, releasing \$50,000 in total costs.

BE IT FURTHER RESOLVED, that Department staff is authorized to make the appropriate changes to the FY03 to FY05 STIP in accordance with the provisions of TEA-21.

Consultant Selection Process and Quality Assurance. Nestor Fernandez, Consultant Administration Unit Manager, summarized the consultant selection process. A qualification based selection process is used, which consists of requesting statements of interest, requesting technical proposals, interviewing the top consultants, and then selecting a consultant. Some of the criteria used in selecting the consultant include experience and qualifications, scope of work, availability, location of work, financial accountability, resources available, critical path diagram, and quality control. Once a consultant is selected, negotiations are completed on the scope of work, level of effort (i.e. labor and overhead rates), fixed fee, final costs, and other pertinent items.

Mr. Fernandez stated that milestones are required in most agreements over \$50,000 and for all agreements that are time critical. The consultant is compensated for a portion of

the fee based upon completion and approval of the milestones. He said that the consultant is compensated for services performed up to 95% of the work and the remaining 5% final payment is paid after all work has been completed and accepted by the Department. ITD has the right to terminate any agreement if there is evidence that the progress is consistently behind the original schedule, the consultant continues to submit sub-standard work, or at the convenience of the Department. Mr. Fernandez also provided an overview on the performance evaluation process.

Member McClure asked about the consequences of poor performance evaluations. Mr. Fernandez responded that performance evaluations for several years (2-3) can be reviewed and the average of those evaluations can be considered in the selection process. Member Sweeney asked how the Department determines if the price for the consultant's work is reasonable. Mr. Fernandez said that the price is based on the scope of work and that the Department prepares an estimate of the cost of work and compares the estimate to the consultant's estimate.

Chairman Winder thanked Mr. Fernandez for the informative presentation.

511 Travel Information Feasibility Report. Intelligent Transportation Systems Coordinator Bob Koeberlein summarized the U.S. Department of Transportation's efforts to establish a national travel information number. The overall goal of this initiative is to provide seamless, nationwide, easy access to travel information, leading to more efficient use of the nation's highways. ITD established a Steering Committee comprised of ITD, Idaho State Police, Idaho Department of Administration, State Communications Center, and FHWA to complete a feasibility study to implement a 511 system with an FHWA grant in the amount of \$100,000.

Mr. Koeberlein reported on some of the study's findings, including a desire to incorporate tourist and airport information in the system and support from law enforcement and the local highway districts for a 511 system. Options for Idaho include continuing the current Road Report system, providing 511 access to the current Road Report, replacing the current Road Report with a stand-alone 511 system, and replacing the current Road Report with a 511 system developed by a multi-state coalition. He added that 39 states plus Washington, D.C. are either planning or deploying 511 systems.

Contract Awards. The low bid on STP-7786(103), key #8462 – SH-33, Rexburg East, Madison County, District 6, was more than ten percent over the engineer’s estimate, requiring justification. Acting Chief Engineer Steve Hutchinson said the most expensive items in the estimate are Plantmix Pavement Class I, PG58-34 Asphalt, Conduit, Mobilization, and Video Detection. The engineer’s estimate was based on District projects with prices at the very low end of the range provided in the 2001-2002 Average Unit Price Report. Staff reviewed the bids and believes the low bid is acceptable, partly due to inflation, Davis-Bacon wages, and the unstable prices for asphalt and plantmix.

Member Blick made a motion to award the contract on STP-7786(103), key #8462 to the apparent low bidder: H-K Contractors, Inc., Idaho Falls, Idaho - \$1,333,834.07. Member Miller seconded the motion and it passed unanimously.

Claims Review Board’s (CRB) Recommended Decision on the Nelson Construction Company Appeal to Board of Claim Regarding Plant Mix Pavement Removal and Replacement, I-84, Regina to Cleft, Key #6254, District 3. Nelson Construction Company filed a \$50,563.15 claim for removal and replacement of plant mix pavement on the I-84 Regina to Cleft project. When the Chief Engineer denied the claim, the two parties agreed to have a CRB review the claim. DAG Bywater presented the CRB’s findings and recommendations, which include that both parties should share equally in the cost of the extra work involved in the removal and replacement of the unacceptable plant mix pavement. It is estimated that the approximate amount of the payment to be made to the Claimant under the decision is \$25,281.58.

Vice Chairman Combo made a motion to adopt the CRB’s final decision on Nelson Construction Company’s claim for removal and replacement of plant mix pavement on the I-84, Regina to Cleft project, as shown in Exhibit 269, which is made a part hereof with like effect. Member McClure seconded the motion and it passed unopposed.

Construction Claim – Safety Corporation, Inc. – District 4 Bridge Repair, Traffic Control Maintenance and Drums, Key #8108. Safety Corporation, Inc., through Concrete Placing Company, is appealing the Chief Engineer’s denial on a contract claim, according to DAG Bywater. Both parties are receptive to present the matter to a Dispute Review Board to conduct a review of the claim and prepare findings and a recommendation for the Board’s consideration and review.

Member McClure made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Safety Corporation, Inc., through Concrete Placing Company, has

ITB03-11 filed an appeal of the Chief Engineer's decision on contract #6412, key #8108; and

WHEREAS, the Idaho Transportation Department has been unable to reach a settlement with Safety Corporation, Inc. on the claim; and

WHEREAS, ITD Standard Specifications authorize the dispute to be appealed to the Idaho Transportation Board; and

WHEREAS, the Department, the Contractor, and the Board are desirous of having a Dispute Review Board (DRB) selected by the parties, hear the dispute pursuant to the recently adopted specifications, and prepare and submit to the Board its findings and recommendations in the matter.

NOW THEREFORE BE IT RESOLVED, that the Board authorizes the Department and Safety Corporation, Inc. through Concrete Placing Company, to present their respective positions to a DRB, which will hear this matter, prepare factual findings based upon the evidence submitted by the parties, and submit the findings and a recommended decision to the Board for its review and a final order.

Decision on the City of Eagle's Appeal. Member Blick made a motion to accept the final order on the City of Eagle's request for a right-of-way use permit on SH-44, as shown as Exhibit 270, which is made a part hereof with like effect. Member McHugh seconded the motion and it passed unopposed.

Chairman Winder thanked DAG Bywater for his extensive work on this appeal and drafting the final order.

Video Presentation. The Board viewed a recent news excerpt regarding traffic in the Eagle vicinity. A portion of the video prepared for the Transportation Futures Workshops and a public service announcement promoting the use of child booster seats in motor vehicles were also shown.

WHEREUPON the meeting recessed at 4:25 PM.

February 20, 2003

The Board met at 8:30 AM on Thursday, February 20 at the Idaho Transportation Department, Boise. All members were present.

Legislative Report. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar briefed the Board on legislative activities. Regarding ITD's legislation, the proof of financial responsibility is in the Senate Transportation Committee and may be amended to add a sunset clause; changing some motor vehicle notifications from certified mail to first class mail is in the Senate Transportation Committee; and the studded tires proposal will be heard in the House Transportation Committee next week.

Member McHugh asked if ITD has taken a position on the proposal to allow 129,000 pound trucks on south Idaho highways by annual written permit of the appropriate highway authority. BPIRM Detmar replied that no official position has been taken. Staff has reviewed the proposal and provides information upon request. She added that staff does not believe the proposal will cause damage to the state's transportation infrastructure due to the axle requirements and weight distribution. Members McHugh and Blick both expressed concern with heavier trucks, partly due to safety issues.

Idaho Transportation Resource Task Force Report. BPIRM Detmar presented the draft report of findings and conclusions of the Task Force, which was established to review the difficulty of providing and maintaining an effective transportation system with limited resources. Once the report is finalized, it will be forwarded to the Governor's Office and then presented to the legislature. She believes the workshops held throughout the state with various stakeholders were beneficial and she expressed appreciation to the local entities for their involvement.

Chairman Winder thanked BPIRM Detmar and the Task Force members for their efforts. He commended the team for its undertaking and the thorough report.

International Registration Plan (IRP)/International Fuel Tax Agreement (IFTA) Motor Carrier Audit Consolidation Study. Morris Detmar, Motor Vehicles Administrator (MVA), summarized the State Tax Commission's (STC) and ITD's responsibilities to audit trucking companies. Because ITD and the STC desire to improve the efficiency and effectiveness of the current motor carrier audit requirements now organized within the two agencies, a committee was established to determine the feasibility of combining the two agencies' audit functions. Four options were considered: ITD and STC conduct joint audits, combine the functions at ITD, combine the functions at STC, and continue separate functions with improved communication. MVA Detmar said the committee recommends transferring the motor carrier audit function from ITD to STC.

The Board members expressed concern with and questioned the impacts to the affected employees. Although there are concerns with the proposal, MVA Detmar does not believe the impacted employees object to it. He said their salaries will not be reduced, and that there may be more advancement opportunities at the Tax Commission. He emphasized that a number of details need to be finalized before this transfer is effective.

Member McHugh made a motion, seconded by Vice Chairman Combo, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Department (ITD) and State Tax
ITB03-12 Commission (STC) have received inquiries concerning why large trucking
 companies are audited by two different agencies; and

WHEREAS, the repeal of the weight-distance-tax in 2000 reduced the out-of-state travel commitment and overall work load of the ITD audit function; and

WHEREAS, the documents reviewed are similar trip related records concerning annual operation; and

WHEREAS, the ITD and STC are interested in improving the efficiency and effectiveness of their daily audit functions.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board directs the Department to begin working on the details to officially transfer the motor carrier audit function from the Department to the STC; and

BE IT FURTHER RESOLVED, that an agreement be drawn to facilitate the move, effective July 1, 2003.

AD Ross believes this effort is a good example of state agencies cooperating and striving to be more efficient. The Board asked to be kept informed of this proposal as the details are worked out.

Annual Report on Safety Program. Employee Safety/Risk Manager (ESRM) Cheryl Rost provided an overview of the activities in the Safety Program during 2002. Some of the efforts focused on ensuring compliance with safe procedures, improving the emergency action plan, drug and alcohol testing, medical testing for contamination, promoting health and safety awareness, and education and training. She also summarized the districts' accomplishments in the safety arena.

The Board had several questions regarding the alcohol and drug testing program, including if the program could be expanded. Staff will research that issue and report back.

Chairman Winder thanked ESRM Rost for the report and for her efforts in this important program.

Civil Rights Annual Report. Karen Sparkman, Civil Rights Manager (CRM), summarized the activities of the Civil Rights internal programs, including Title VI monitoring, EEO/affirmative action, and Americans with Disabilities Act. Some of the outreach efforts included posting a letter of support from the director, establishing an intranet site, revising the Harassment in the Workplace policy, and providing monthly articles for supervisors. Chairman Winder suggested resubmitting a letter of support for the Civil Rights Program from AD Ross.

Activities in the external programs consisted of statewide contractor training, continuing publication of the Disadvantaged Business Enterprise (DBE) newsletter, special provisions training, and providing a number of supportive services to DBEs such as a newsletter, directory, and computer software rebates.

Chairman Winder thanked CRM Sparkman for the informative report and her work in the civil rights arena.

Web Services Update on Intranet Web Applications. Steve Jackson, Webmaster, emphasized the need for technology because it creates efficiency and reduces redundancy. He demonstrated several applications on the intranet and highlighted a variety of information that is accessible to employees.

Chairman Winder expressed appreciation to Mr. Jackson for his efforts with the intranet and the progress the Department is making in this area.

Delegation – City of Nampa. Nampa Mayor Tom Dale emphasized the growth that the Nampa area has been experiencing and the city's desire to address the resultant issues. Amity Road is a major east-west route and traffic is impacted by a railroad crossing. Mayor Dale expressed concern with safety at the King's Corner railroad crossing. The City is attempting to construct a railroad overpass at the King's Corner railroad crossing

and has approached some congressional delegation members, Union Pacific, and area businesses about this project.

The City of Nampa is proceeding with engineering design and asked the Board to include the project in the Statewide Transportation Improvement Program. This inclusion would allow the City to be reimbursed for eligible design expenses if and when the project is constructed with federal aid. Mayor Dale added that the Community Planning of Southwest Idaho supports this project and has listed the project as its number two priority. In response to Vice Chairman Combo's question on the cost of the project, Mayor Dale responded approximately \$18 million.

Member McClure made a motion to add the King's Corner Railroad Overpass project in Nampa to the Statewide Transportation Improvement Program. Member Blick seconded the motion and it passed unanimously.

Old Business: Bridging the Valley, Revisited. Vice Chairman Combo made a motion, seconded by Member McHugh, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, Kootenai County has the highest incidence of rail grade crossing

ITB03-13 accidents of all counties in Idaho; and

WHEREAS, the Bridging the Valley project will significantly improve rail crossing safety by effectively eliminating 39 at-grade main line crossings throughout Kootenai County; and

WHEREAS, between the 1990 and 2000 census, Kootenai County experienced a population growth rate which was more than twice the average growth rate in Idaho; and

WHEREAS, the increase in Kootenai County's population has resulted in a corresponding increase in regional traffic; and

WHEREAS, the Bridging the Valley project will preclude future congestion problems and air quality degradation in Kootenai County due to automobile and truck delays at main line grade crossings; and

WHEREAS, the Bridging the Valley project will significantly reduce train whistle noise throughout the county; and

WHEREAS, the Bridging the Valley project has the potential to open significant right of way opportunities for ITD with respect to expansion and reconstruction of US-95 north of SH-53; and

WHEREAS, future benefits in reduced congestion and improved air quality will be most notable along SH-53 between the Washington State Line and Rathdrum; and

WHEREAS, the local road system will also benefit from future reduced congestion and improved air quality; and

WHEREAS, placing two Class I rail carriers within a single corridor will enhance industrial and economic development opportunities along the corridor; and

WHEREAS, coordination has occurred with local land use agencies to ensure consistent land use planning along the future consolidated corridor; and

WHEREAS, the addition of a transload facility in Kootenai County would bring significant economic development opportunities throughout the county; and

WHEREAS, the Bridging the Valley project is supported by local transportation jurisdictions, chambers of commerce, and civic groups throughout Spokane and Kootenai Counties; and

WHEREAS, the Bridging the Valley project is supported by both Union Pacific and Burlington Northern Santa Fe Railroads, as evidenced by their joint letter dated October 4, 2002; and

WHEREAS, the Idaho Transportation Board acknowledges the safety, environmental and economic benefits associated with the Bridging the Valley proposal; and

WHEREAS, the Washington State congressional delegation will be seeking earmark funding for Bridging the Valley through the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21); and

WHEREAS, a partnership between Washington and Idaho is essential for the success of the Bridging the Valley project; and

WHEREAS, the State of Idaho has many transportation needs requiring full use of other transportation funding allocated to Idaho by formula; and

WHEREAS, a match requirement on a large congressional earmark could be disruptive to Idaho's state highway program; and

WHEREAS, progress on design of the Bridging the Valley project will enhance the likelihood of congressional funding for construction.

NOW THEREFORE BE IT RESOLVED, that the Idaho Transportation Board transmit its recommendation to Idaho's congressional delegation to pursue a bi-state congressional earmark in the reauthorization of TEA-21 for design and construction of the Bridging the Valley project through the Spokane Valley and Kootenai County, including a transload facility located in Idaho. The Idaho Transportation Board will provide \$0.8 million in funding for Idaho's share of the preliminary design work for Bridging the Valley. Further, the Board's decision to recommend this action and agreement to provide this funding is based upon the understanding that the project will be funded without an Idaho State matching requirement, and without affect or limitation on any other funding which may be provided to Idaho through the upcoming reauthorization bill.

WHEREUPON, the regular monthly Board meeting officially adjourned at 11:25 AM.

signed

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

February 19, 2003

Boise, Idaho

REGULAR MEETING OF THE IDAHO TRANSPORTATION BOARD

January 15-16, 2003

The Idaho Transportation Board met at 8:30 AM, on Wednesday, January 15, 2003, at the Idaho Transportation Department, in Boise, Idaho. The following principals were present:

Charles L. Winder, Chairman

John X. Combo, Vice Chairman – District 6

John McHugh, Member – District 1

Monte C. McClure, Member – District 3

Gary Blick, Member – District 4

Neil Miller, Member – District 5

Sue S. Higgins, Board Secretary

Jimmy Ross, Acting Director

Steve Hutchinson, Acting Chief Engineer

Steve Bywater, Deputy Attorney General

The Board reviewed the agenda for the meeting. Regarding the scheduled deliberations on the City of Eagle's appeal on the denial of a signalized intersection on SH-44, Vice Chairman Combo commented that Member Sweeney is not present, and because of the voluminous material, suggested delaying this matter one month. Some members expressed concern with the time frame and indicated a desire to proceed with this issue at this meeting.

Member Blick made a motion to leave the deliberation of the City of Eagle's appeal on the agenda for January 16. Member McHugh seconded the motion and it passed 3-2. Vice Chairman Combo stated that he would be ready to deliberate this item tomorrow.

Various December Board Minutes. Member McClure made a motion, seconded by Member Blick, to approve the minutes of the special Board meeting held on December 5-6, 2002, as submitted, the regular Board meeting held on December 12-13, 2002, as corrected, and the special Board meeting held on December 18, 2002 as submitted. The motion passed 5-0.

Board Meeting Dates. The following meeting dates and locations were scheduled:

February 19-20, 2003 – Boise

March 18-19, 2003 – Boise

April 17-18, 2003 – District 4

Chairman Winder welcomed Representative Bonnie Douglas to the meeting. Representative Douglas was recently elected to the Legislature and has been assigned to the House Transportation and Defense Committee.

Chairman Winder thanked Jim Ross for his willingness to serve as the Acting Director (AD) at this time. The Board appreciates his help during this interim period. Chairman Winder also thanked Steve Hutchinson for taking on the responsibility of Acting Chief Engineer.

Consent Calendar. Vice Chairman Combo made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. *NOW THEREFORE BE IT RESOLVED*, that the Idaho Transportation Board

ITB03-01 approves the appointment of a Public Transportation Advisory Council Member; the Gold Rush Historic Byway Corridor Management Plan, District 2; and the request for a supplemental agreement, District 2; and has received and reviewed the contract award information, the new and supplemental professional agreements report, the administrative settlements of right-of-way acquisitions, the report on ITD's Research Program, the annual report on the Administrative License Suspension Program, and the annual report on the status of state-owned buildings.

1) Appointment to the Public Transportation Advisory Council (PTAC). Jan Vassar, currently the city manager for the City of Lewiston, was recommended to complete the term of Bob Bushfield on the PTAC. Ms. Vassar's appointment to represent District 2 will expire June 2004.

2) Gold Rush Historic Byway Corridor Management Plan (CMP), District 2. Clearwater County completed the CMP for the Gold Rush Historic Byway along SH-11. The process included strong local representation from the communities along the byway. The Clearwater County Commissioners have approved the CMP, which covers the enhancement of the byway's intrinsic qualities, highway safety issues, and marketing aspects. District 2 was heavily involved in the development of the CMP and recommends Board approval of the Plan.

3) Request for Supplemental Agreement, District 2. The US-95, Genesee to Moscow project, key #7505, is a High Priority project scheduled for construction in 2003 at an estimated cost of \$36 million. The original agreement and two supplementals amount to \$1,049,390. During the merger process it was decided that the construction of two wildlife crossings will be needed to mitigate the hazard of big game crossing the highway. These sites plus the Eid Road underpass will need a Phase IV investigation, hydraulic study, and a structure plan that includes type and size of each crossing. This additional design work was not included in the original scope of work. Staff is requesting a supplemental agreement in the amount of \$345,000 to perform this additional work.

4) Contract Award Information. Key #8405 – I-84, Caldwell to Railroad Bridge, Nampa, District 3. Low bidder: Idaho Sand & Gravel Company - \$1,681,140.

Key #7794 – SH-55, Horseshoe Bend Port of Entry, District 3. Low bidder: McAlvain Construction Inc. - \$410,836.

Key #8091 – 10th Avenue Overpass, Caldwell, District 3. Low bidder: Concrete Placing Company, Inc. - \$461,041.

Key #8118 – I-15, Downey Interchange to Virginia Interchange, District 5. Low bidder: Multiple Concrete Enterprises, Inc. - \$2,855,206.

Key #7959 – US-26B, District 6 Bridge Repair. Low bidder: Cannon Builders, Inc. - \$145,705.

Key #7720 – US-95, Plummer North Passing Lane, District 1. Low bidder: S.A. Gonzales, Inc. - \$1,575,676.

Key #3214 – I-84, Karcher Interchange (Demolition), District 3. Low bidder: Magnum Contractors LLC - \$30,725.

5) New and Supplemental Professional Agreements Report. From November 26 to December 27, the Consultant Administration Unit processed \$5,540,239 in professional, supplemental, and term agreements.

6) Administrative Settlements of Right-of-Way Acquisitions. During the second half of 2002, staff processed 95 parcels. Of those, 14 had administrative settlements, or 15%.

7) ITD's Research Program. Following an earlier presentation on ITD's Research Program, the Board requested additional information. Staff outlined the benefits, deliverables, payoff, and defensible results of the program. An overview of each project initiated since 1994 was also provided.

8) Annual Report on the Administrative License Suspension (ALS) Program. Through November 2002, the Department's three hearing officers conducted 1,745 ALS hearings. The hearings resulted in 1,353 suspensions being sustained and 392 vacated. The current average cost to administer an ALS is \$79.40. Idaho Code set a reinstatement fee of \$115.

9) Annual Report on the Status of State-owned Buildings. The status of the Department-owned dwellings was presented, along with information on the monthly rental fee, the fair rental amount, and vacancies.

November Financial Statement Analysis. Revenue from the Highway Distribution Account is below the forecast by \$5.1 million, or 6.8%. Expenditures for personnel and operating are 2.6% and 18%, respectively, less than budgeted for the month. Capital equipment shows a negative variance of 29%, with the majority of this due to encumbrances from the issuance of purchase orders for road equipment and is strictly a

timing difference. In contract construction, the federal program is less than spending projections by 1.4% and the state program is 32% less than projected.

Aviation Fuel Tax revenue received through the end of November is \$50,100, or 6.1%, less than projected, while miscellaneous revenue is 7% above last year's revenue. Overall expenditures are ahead of the same time period last year, with the exception of personnel costs, which are approximately the same as last year. Revenue in the Aircraft Operations Fund is ahead of estimates by \$33,100, or 14%, and operating expenditures are more than the same time period as last year.

Member McHugh asked for clarification on the cash balance, as the report indicated two different balances. Controller Dave Tolman explained that one report showed the cash balance, while the graph included the long-term investment fund and the re-invested interest in addition to the month end cash balance.

Member McHugh made a motion to accept the November financial statement analysis. Member McClure seconded the motion and it passed 5-0.

Board Items. Vice Chairman Combo commented that the Division of Highway produces numerous reports, particularly related to construction. He suggested that AD Ross review all of the reports regarding contracts and construction. (See later minute entry.)

Vice Chairman Combo also asked staff to review the procedures to award contracts to the lowest, responsive bidder. He would like consideration given to improving the system and suggested that legislation may be necessary.

Member McHugh commented that construction projects are often obligated at the end of the fiscal year. He would like the Department's goals to include having projects ready earlier in the fiscal year. He also questioned the history of getting projects ready. AD Ross concurred that a more concerted effort needs to be made to get projects ready earlier in the fiscal year, and he will continue to pursue that goal.

Acting Director's Items. AD Ross said he met with the Governor's Blue Ribbon Task Force Subcommittee on Public Safety, Transportation, and Natural Resources earlier this month. He provided the Subcommittee information on GARVEE bonds and design-build. Chairman Winder indicated the Governor's Office is receptive to pursuing these two concepts.

Staff met with the Governor's Office regarding the designation of Kootenai Metropolitan Planning Organization (KMPO), according to AD Ross. A letter from the Board in support of this designation and the agreement amongst the entities involved were provided to the Governor's Office. AD Ross stated that the Governor appears supportive of this designation and may make a formal announcement regarding KMPO later this month.

AD Ross said ITD is still operating under a continuing resolution for federal appropriations at FY02 funding levels, as Congress has not passed a transportation appropriations bill yet. Chairman Winder said he heard the Economic Stimulus Package may transfer highway funds to transit purposes. Transportation Planning Administrator Charlie Rountree said he is not aware of this proposal, but will seek information on and monitor this proposition.

AD Ross outlined the Department's legislative presentation schedule. On January 20, a combined annual report and budget briefing will be presented to the House Transportation Committee. The annual report will be presented to the Senate Transportation Committee on January 21 followed by the budget briefing on January 23. ITD's budget presentation is scheduled before the Joint Finance and Appropriations Committee on February 7.

AD Ross reminded the Board that there will be an open house for Highway Safety Manager Jo Ann Moore this afternoon. Ms. Moore resigned from ITD to accept a position with the National Highway Traffic Safety Administration in Washington, DC.

The Moscow Chamber of Commerce will meet with ITD staff in Boise on February 7 as part of its annual legislative tour. The meeting will focus on US-95 projects and other transportation issues.

Acting Chief Engineer's Items. In response to earlier allegations that lab test results were falsified, Acting Chief Engineer Steve Hutchinson said that new procedures have been implemented to address those concerns and ensure that this situation does not arise in the future. ITD is ready to lift the moratorium on the use of consultants on construction engineering and inspection and will be ready for the upcoming construction season.

Chairman Winder mentioned that Senator Cecil Ingram, Chairman of the Senate Transportation Committee, indicated that he will be inviting the various parties involved in this issue to appear before the Committee. He would like the Committee members informed of the situation and what the Department has done to address it.

Transportation Board Audit Committee. Administrative Services Division Administrator (ASDA) Susan Simmons outlined a charter and suggested procedures for the establishment of a Board Audit Committee. Its function would be to promote communication and heighten awareness by the Board of financial and internal control matters. The standing committee would be composed of not less than one Board member, appointed by the Chairman of the Board, to serve for such term as agreed to by the Chairman and the members of the Audit Committee.

Member McHugh believes an audit committee has merit and he supports the establishment of such a committee.

Member McHugh made a motion to establish a Board Audit Committee and adopt the proposed charter, as shown as Exhibit 268, which is made a part hereof with like effect. Member Miller seconded the motion and it passed 5-0.

Chairman Winder appointed Member McHugh to serve on the one-person Board Audit Committee for a two-year term. He asked Member McHugh to report to the Board on an annual basis at a minimum.

Member McHugh thanked ASDA Simmons and staff for the information it provided on this issue and for its assistance in preparing the charter and recommended procedures.

Annual Report from the Division of Aeronautics. Chairman Winder welcomed the Aeronautics Advisory Board (AAB) to the meeting and said the Board appreciates meeting with it. AAB Chairman Bill Parish thanked the Board for its time. He briefed the Board on some of the AAB's activities and said that the Board has been more visible in the state, as it has been presenting grant checks to airports to help raise the awareness in communities of the importance of airports.

AAB Member Bob Hoff focused on the visioning session conducted in 2002 to adopt a mission and vision statement. He believes the process the Board undertook was very valuable. AAB Member Rodger Sorensen summarized the joint Board tour of backcountry airstrips in May. Not only was it an informative experience for the two Boards, but also resulted in a better working relationship with the Forest Service. AAB Member Kathy Miller reported on the successful Family Fly-In held in McCall in August, and AAB Member Scott Patrick reported on some of the AAB meetings held throughout the state, including at Cavanaugh Bay to address conflicts between pilots and snowmobilers.

Chairman Winder thanked the AAB members for their reports. He believes the process of establishing a mission and vision was beneficial, and he also commented on the valuable experience of touring backcountry airstrips with the AAB.

Bill Statham reviewed the 2002 activities in the planning and development arena. Dan Henry elaborated on the Multi-state Development Program that provides maintenance and development projects for smaller airports. Mandy Wilson summarized the 64 Federal Aviation Administration airport inspections that were conducted in the state. The Airport Maintenance Program for the 30 state-owned airports was outlined by Mark Young. Frank Lester highlighted the safety and education activities and Debbie Woolery reported on the aircraft pool.

In conclusion, Aeronautics Administrator (AA) Bob Martin elaborated on the aircraft pool and stated that after considerable review and discussion, staff is requesting that the passenger fees and the subsidy to the aircraft pool fund be increased. The Division believes it is in the best interest of the state to continue providing air transportation to state employees, but the current funding formula is inadequate. The aircraft should be considered a tool, which is a business expense. AA Martin said that surrounding states were contacted for information on their aircraft operations, and he believes the recommendation is in line with other states. The recommendation is for the fixed costs

(e.g. insurance, inspections) in the amount of \$190,600 to be subsidized, with users paying for the variable costs of approximately \$264,500 annually.

Chairman Winder asked for clarification on the current subsidy provided by ITD. AA Martin replied that the costs of operating all three aircraft are being subsidized. Member Blick asked if ITD is the main user of the aircraft. AA Martin responded that the Governor's Office, the Department of Corrections, and the Department of Fish and Game probably use the aircraft more than ITD. Member Blick asked why ITD should subsidize the other state agencies. AA Martin replied that the other entities are General Fund agencies and it appears more difficult for those agencies to receive funding.

The Board took the matter under advisement and asked for historical data on the usage of the three aircraft.

Chairman Winder thanked the AAB and staff for the informative presentation. He also expressed appreciation to the AAB members for their service to the state.

Background on Job Access Reverse Commute (JARC) Program. Public Transportation Administrator (PTA) Larry Falkner said the Transportation Equity Act for the 21st Century authorized the JARC grant program. The program establishes a regional approach to job access challenges through the implementation of transportation services identified in existing plans that are needed to connect welfare recipients to jobs and related employment activities. The major goals of the program are to provide transportation services to assist welfare recipients and low-income individuals access to employment activities, and to increase collaboration among transportation providers, human services agencies, employers, and planning organizations. Projects funded through this program may not include planning or coordination activities and funds cannot supplant existing sources of funding.

PTA Falkner said eligible applicants include local governments, metropolitan planning organizations, public transit agencies, tribal organizations, and non-profit organizations. The required match for projects is 50% of the total project cost, which has deterred some entities from applying for JARC funds. He outlined the program requirements, and added that the JARC program funds are earmarked annually by Congress in the appropriations bill.

Chairman Winder thanked PTA Falkner for the report. He commented that U.S. Department of Transportation Secretary Norman Mineta mentioned JARC when he was in Boise several months ago, and Chairman Winder requested information from staff on the Program.

FY03 Budget – Actions to Offset Lower Revenues. Budget, Policy, and Intergovernmental Relations Manager (BPIRM) Mary Detmar provided an overview of the Governor’s revised recommended budget for ITD for FY04. Regarding the FY03 budget, she said that based on actual state highway revenue collections through November and extending this trend through the end of FY03, ITD’s revenue shortfall would be \$14.7 million. The Budget Council identified \$14.7 million in holdbacks to address the projected revenue shortfall, including \$3,109,000 in personnel, \$2,824,400 in operating, \$1,391,600 in capital equipment, \$1,076,800 in capital facilities, \$2,318,300 from capital facilities – revert encumbrance/deposit (which are prior year items related to the West Annex project), \$4,000,000 in contract construction, and \$13,200 in trustee and benefit payments. If revenues should recover, restoring funds to contract construction would be staff’s first priority, according to BPIRM Detmar. Staff plans to review the budget situation in March and make recommendations to the Board in April if changes to the holdbacks are warranted.

Member McHugh made a motion, seconded by Member Miller, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Transportation Board previously received
estimated

ITB03-02 revenue and expenditures for FY03; and

WHEREAS, those estimates have been reviewed and amended by staff for consideration by the Board.

NOW THEREFORE BE IT RESOLVED, that the Board agrees with the proposed strategies to address reduced state highway revenues to the FY03 budget as presented.

New Draft Legislation for 2003. Since the Board approved forwarding the draft legislation regarding proof of financial responsibility to the Governor's Office, additional legislative concepts have been identified, according to BPIRM Detmar. Motor Vehicle Administrator Morris Detmar requested the allowance of first class mail for notification of driver's license suspensions, title cancellations, and vehicle registration cancellations instead of certified mail as currently required in Idaho Code. Approximately one-third of certified mail is undeliverable and another one-third is refused by the addressee. First class mail is forwarded and not subject to refusal. Additionally, ITD would save approximately \$200,000 to \$280,000 annually on postage rates if this change is implemented.

Assistance Chief Engineer – Operations (ACE-O) Greg Laragan reviewed the proposed legislation that would reduce the weight of studs allowed in winter studded tires, diminishing pavement wear caused by studded winter snow tires by half. The information in the current rule, such as the dates when studded tires are permissible, would be incorporated into the legislation, eliminating the rule. ACE-O Laragan added, however, that staff is proceeding with the earlier approved revision to the rule prohibiting studded tires between the dates of May 1 and September 30, annually, except as provided.

Member McClure made a motion, seconded by Member Blick, and passed unopposed, to approve the following resolution:

RES. NO. WHEREAS, the Idaho Governor's Office has requested that state agencies submit

ITB03-03 proposed 2003 legislation to the Division of Financial Management for review and approval; and

WHEREAS, the Idaho Transportation Board at the September 27, 2002 meeting approved the 2003 ITD "Legislation Proposal Forms" and authorized ITD staff to send that draft legislation to the Division of Financial Management for review and approval; and

WHEREAS, subsequently, the need has arisen to submit two additional pieces of draft legislation to the Division of Financial Management for its review and approval.

NOW THEREFORE BE IT RESOLVED, that the Board approves submittal of the legislative concepts regarding first class mail for Division of Motor Vehicle notifications and studded tires to the Division of Financial Management.

Chairman Winder thanked staff for preparing these legislative concepts.

Request for Design Approval: US-20, Holbrook Interchange, Key #7816, Project #NH-6470(121), District 6. District 6 Engineer (DE) Tom Cole summarized the public information process undertaken to identify a project to improve the intersection of US-20 and Holbrook Road near Rigby. A US-20 Highway Corridor Plan from Idaho Falls to the Ashton Hill Bridge, published in June 2000, addressed the need to eliminate several at-grade intersections along the corridor to address safety concerns.

DE Cole reviewed the proposed alternatives and recommended approval of Alternative D. This alternative would only close the Holbrook intersection. It would enable local officials to improve surface roads, determine traffic patterns, and develop a long-range plan. When an interchange is needed at some future date, the best possible location can be picked to fit the area's long-range plan. DE Cole added that the City of Rigby expressed concern that if an interchange project is not built now, it will not be constructed in the future. He recommends that ITD work with the City to develop its transportation plan, determine the best location for a future interchange, and then program a project accordingly. He also said that Alternative D has significantly fewer environmental impacts and is considerably less expensive.

Vice Chairman Combo made a motion, seconded by Member McClure, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, safety is the primary issue regarding the at-grade crossings of the

ITB03-04 US-20 four lane divided highway between Idaho Falls and Chester; and

WHEREAS, safety deficiencies exist at the at-grade crossing at the intersection of US-20 and Holbrook Road, at the south Rigby exit; and

WHEREAS, the elimination of this at-grade intersection would increase safety on US-20; and

WHEREAS, the elimination of the US-20 at-grade intersections is consistent with the June 2000 corridor plan for this route; and

WHEREAS, the development of a programmed project (key #7816) at the Holbrook intersection that would improve safety, accommodate increasing traffic, and improve operating efficiency by eliminating the at-grade crossing is desirable; and

WHEREAS, ITD has conducted public meetings and a public hearing in conformance with NEPA, providing information to the public and receiving comments from the public; and

WHEREAS, the removal of this at-grade intersection is consistent with the outcome of the public hearing process; and

WHEREAS, the Mayor and City Council of Rigby, have expressed their support for Alternative C, (diamond interchange to replace the existing south Rigby interchange at Holbrook Road and closing off the Holbrook intersection), and have stated that Alternative D (closing the Holbrook intersection and leaving the existing south Rigby half-diamond interchange to remain) is not acceptable to the City of Rigby; and

WHEREAS, the City of Rigby has also informed District 6 that it is desirous of completing its planning process by completing “a Transportation Plan”; and

WHEREAS, the completion of said Plan would better enable the determination of the needs of a replacement interchange south of Rigby; and

WHEREAS, ITD will continue working with the City of Rigby to determine the future needs in the south Rigby area; and

WHEREAS, when future needs have been determined ITD will work toward programming a project in the south Rigby area.

NOW THEREFORE BE IT RESOLVED, that ITD District 6, as a matter of safety, is granted design approval and authorization to pursue Final Design for the elimination of the Holbrook intersection (Alternate D); and

BE IT FURTHER RESOLVED, that ITD District 6 shall continue to work with the City of Rigby in determining the future access needs for the south Rigby area based upon the City's Transportation Plan.

Emergency Addition of I-90, Kingston Interchange Bridge, Key #9075, Project #ST-90-1(556)43, Shoshone County, District 1, to the State-Funded Highway Development Program. Dave Amick, Highway Programming Manager (HPM), reported that the interchange structure on I-90 at the Kingston Interchange was hit by an over-height load on December 23. There was extensive damage to numerous girders of the superstructure that crosses over the interstate. No damage was done to the interstate, so traffic remains open on I-90. However, traffic on the local road, Coeur d'Alene River Road, has been reduced to one lane. One span of the overhead structure will need to be replaced. Staff is preparing the design for the project and should have it completed by mid February.

HPM Amick said a project was programmed in the State-Funded Highway Development Program in FY03 the day after the incident to obligate \$40,000 of state personnel costs for the emergency clean-up and immediate maintenance required to open a lane of traffic on Coeur d'Alene River Road. He requested the addition of a project in the FY03 State-

Funded Highway Development Program in the amount of \$500,000 to repair this structure. Staff anticipates collecting the cost of repairs from the insurance company of the driver of the over-height load.

Member McClure made a motion, seconded by Member Miller, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

ITB03-05 accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, the Coeur d'Alene River Road Underpass over I-90 requires immediate repair to fully restore traffic; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements.

NOW THEREFORE BE IT RESOLVED, that the Board approves the emergency addition of the I-90, Kingston Interchange Bridge (key #9075, project #ST-90-1(556)43)) to FY03 of the State-Funded Highway Development Program at \$500,000.

District 1 State-Funded Program Changes to Offset Prior Year Project Cost Increases. HPM Amick stated that District 1 has identified sources to offset \$810,000 of cost increases on the US-95, 5th Avenue, Sandpoint (key #6963) and the US-95, Tensed to Moctileme, Benewah County (key #7038) projects. He outlined the proposal.

Member McHugh made a motion, seconded by Vice Chairman Combo, and passed 5-0, to approve the following resolution:

RES. NO. WHEREAS, it is in the public interest for the Idaho Transportation Department to

ITB03-06 accomplish a current, realistic, and fiscally constrained Highway Development Program; and

WHEREAS, the Department continues to emphasize the annual accomplishment of minor pavement rehabilitation projects as a strategic performance area; and

WHEREAS, it is the intent of the Idaho Transportation Board to effectively utilize all available federal and state appropriated highway funding; and

WHEREAS, Administrative Policy A-11-02, Highway Development Program, provides for the quarterly balancing of current year cost increases to projects obligated in prior years; and

WHEREAS, it is understood that continued development and construction of highway improvements are entirely dependent upon the availability of future federal and state highway funding in comparison to the scope and costs of needed highway improvements.

NOW THEREFORE BE IT RESOLVED, that the Board approves the offset of \$810,000 in prior year project cost increases on US-95, 5th Avenue, Sandpoint (key #6963, project #ST-5110(645)) and US-95, Tensed to Moctileme, Benewah County (key #7038, project #ST-5110(646)) by removing SH-3, Meadowhurst Road to Goosehaven Road, Benewah County (key #8209, project #ST-5170(618)) from FY04; and

BE IT FURTHER RESOLVED, that the following project scheduling changes to the State-Funded Program are approved:

- Delay the SH-53, Rathdrum Creek Bridge, Rathdrum (key #6629, project #ST-5180(604)) from FY03 to FY05;
- Delay SH-3, Santa North, Benewah County (key #6918, project #ST-5170(613)) from FY05 to FY06;
- Advance one stage of SH-97, Harrison to Carlin Creek (key #8559, project #ST-5726(607)) into FY04; and
- Advance SH-41, Junction SH-54 to Spirit Creek, Bonner County (key #8804, project #ST-5733(606)) from FY06 to FY05.

Contract Awards. Member McClure made a motion to award the contract on IM-84-2(054)122, key #7765 – I-84, Glens Ferry to King Hill, Eastbound, Elmore County, District 3, to the low bidder: Steelman-Duff Inc., Clarkston, Washington - \$10,434,752.82. Member Blick seconded the motion and it passed 5-0.

Member Blick made a motion to award the contract on IMD-15-1(129)0, key #8602 – I-15, Utah State Line to Deep Creek, Stage 2, Oneida County, District 5, to the low bidder: Legrand Johnson Construction, Logan, Utah - \$8,678,468.49. Member Miller seconded the motion and it passed 5-0.

Video Presentation. Jeff Stratten and Mollie McCarty, Office of Public Affairs, elaborated on the extensive efforts underway to inform motorists of changes occurring at the I-84, Wye Interchange. Staff has been working closely with District 3 personnel on the construction changes and the timing of the various notifications. Several excerpts from area media coverage were also shown.

Chairman Winder thanked staff for the efforts being taken to keep the public informed of construction activities.

Executive Session on Personnel and Legal Issues, Section 67-2345(1)(a), and (f), Idaho Code. Member Blick made a motion to meet in executive session at 3:30 PM to discuss personnel and legal matters. Member Miller seconded the motion and it passed 5-0 by individual roll call vote.

The general tenor of the personnel item included consideration of hiring a public officer to fill a non-elective office.

The general tenor of the discussion on legal issues was to consider a pending appeal before the Board.

The Board came out of executive session at 4:45 PM. No decisions were made.

WHEREUPON the meeting recessed at 4:45 PM.

January 16, 2003

The Board met at 9 AM on Thursday, January 16 at the Idaho Transportation Department, Boise. All members were present except Member Bruce Sweeney.

Deliberations on the City of Eagle's Appeal for a Signalized Intersection on SH-44 between Edgewood Road and Eagle Road. Chairman Winder announced that the testimonial period for the hearing closed last month and no additional testimony would be accepted today.

Vice Chairman Combo cited Idaho Code outlining the Board's authority and responsibility for the state highway system. He commented that SH-44 is one of three major east-west routes in the area. The main purpose for constructing the Eagle Alternate Route in 1996 at a total cost of \$16.3 million, with the right-of-way costs being greater than construction costs, was to remove through-traffic from downtown Eagle. As part of the National Highway System, the highway is to move traffic safely and efficiently. He believes the abutting property owners have no property right to access the new alignment, and that safety of the traveling public would be reduced if the requested intersection is approved.

Vice Chairman Combo commented on the voluminous record before the Board on this matter and that this issue is one of the most difficult decisions the Board has faced during his tenure on the Board. He said that after considerable review and deliberation of the testimony and exhibits, he cannot support the request for a signalized intersection at this location.

Vice Chairman Combo made a motion to deny the City of Eagle's request for a signalized intersection on SH-44 between Edgewood Road and Eagle Road (SH-55) and that DAG Bywater is instructed to work in consultation with such members of the Board as the Chairman shall appoint to prepare a written draft of findings of facts, conclusions of law, and a decision. These documents should be provided to the members of the Board for review and amendment prior to approval and adoption as the Board's final decision on this appeal at the Board's next regular meeting. Member McHugh seconded the motion.

Member Blick said that his two main concerns are that this portion of SH-44 will become congested, acting more like a local road than a state highway and reducing the efficient flow of traffic, and that if the intersection is approved, there may be federal repercussions. Member McHugh believes that allowing this intersection would compromise safety and have a negative effect on air quality. Member Miller believes the Board needs to maintain a statewide perspective and he believes denying the requested intersection would better serve the traveling public.

Although Member McClure would like to support his constituency and economic development, he expressed concern with approving this intersection and another traffic signal. He is concerned with traffic delays and safety, as testimony from both parties indicated traffic collisions will occur if this intersection is constructed. Member McClure encouraged the City of Eagle to apply for a right-in right-out approach, but believes the property owners would have to purchase access from the Department if that approach were approved. He added that if a right-in right-out approach were acceptable to both parties, it should be designed to accommodate a future overpass, to be constructed when it is warranted and the funds are available.

Chairman Winder emphasized that this has been a strenuous process and that the Board members gave the issue considerable thought and evaluation. He suggested that staff review the procedures for this hearing, particularly the time frame, and determine if improvements can be made to the process. Chairman Winder thanked all of the participants, and also FHWA for its presentation.

The motion passed 5-0.

Legislative Presentations. AD Ross and Division Administrators presented the annual report and budget briefing presentations prepared for the legislature.

Chairman Winder thanked staff for the informative presentations. He knows a lot of time and thought go into preparing the presentations, and he often hears positive feedback from legislators on the Department's presentations.

Reports to Board, Revisited. Vice Chairman Combo expanded on his earlier request for AD Ross to review the various construction reports that are prepared and asked that all of the reports that are presented to the Board on a regular basis be reviewed.

WHEREUPON, the regular monthly Board meeting officially adjourned at 11:30 AM.

CHARLES L. WINDER, Chairman

Idaho Transportation Board

Read and Approved

February 19, 2003

Boise, Idaho